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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rabbi Stephen Baars, of Aish Hatorah, of North Bethesda, MD.

PRAYER

The guest Chaplain offered the following prayer:

Words are more powerful than medicine, and more painful than daggers.

Words can give courage to soldiers or destroy careers, even lives.

There is a Jewish teaching, that a person is granted so many words in this world, and when he has used them up, so is his time on this good earth.

There is the right word.

Then there is the right word at the right time.

Then there is the right word and the courage to say it to the right people.

May the Almighty, Ruler of this world, fill our hearts and minds with the wisdom, truth, and courage to be able to choose the right words, at the right time, with the right person. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. REID. Mr. President, I listened intently to the prayer of the rabbi. I was really concerned during the first part of it because he said you only have so many words and then you are all through. But he went on to better explain that, which we surely appreciate, because we talk a lot around here. And if it is just words only, I think our life expectancy would not be very long. So we appreciate the Rabbi putting all the other conditions on it.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will resume consideration of the House message to accompany H.R. 2642, the supplemental appropriations bill. There will be 2 hours of debate prior to a series of up to four rollcall votes in relation to motions to concur in House amendments.

It is my understanding the 2-hour time is equally divided between the parties. Is that true?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, under the direction of Senator BYRD, Senator MURRAY will allocate the time on this side. I would further tell all Senators, because of the procedural glitch we had with the farm bill, we have not totally worked out what we are going to do on the farm bill yet. I had a conversation with the Speaker. I have spoken to both Parliamentarians—the House and Senate Parliamentarians. I think what we are going to do, as the House has done—I think at this time it is our intention to override the veto of the President. He vetoed 14 of the 15 sections of the farm bill. Through a clerical error, section 3 was left out. As a result of that, section 3 will be sent to us from the House later today, having been passed, and we will see if we can pass that here later today. But we have a good legal precedent going back to a case, I understand, in 1892, when something like this happened before. It is totally constitutional to do what we are planning to do. So no one should be concerned about that.

Also, after we finish the work on the supplemental, we are going to go to, hopefully, the farm bill and the budget and complete all that.

As all Senators know, for a number of personal reasons, not the least of which is the wedding of Senator DAN INOUYE on Saturday in Los Angeles, and his best man is Senator STEVENS, they are not going to be here tomorrow. So as a result of that and other things, we are going to do our very best to complete work on what we have today, and we should be able to do that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Senate will resume consideration of the House message, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2642) entitled ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes,'' with House amendments to Senate amendment.

Pending:

Reid motion to concur in the House amendment No. 2 to the Senate amendment to the bill with amendment No. 4803, in the nature of a substitute.

Reid amendment No. 4804 (to amendment No. 4803), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate is now considering the supplemental bill, and on our side, the Senator from Maryland, Ms. MIKULSKI, will be our first speaker.

I yield her 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Good morning, Mr. President.

Today I take the floor as the chairperson of the Subcommittee on Commerce, Justice, and Science of the Appropriations Committee.

We bring to the Senate for its consideration an element within the domestic spending that I urge my colleagues to support. It provides critical funding to protect America from threats abroad and those threats here at home and to invest in America's future. There are those that meet compelling human needs right here in the United States of America. They also deal with the incompetency of the Bush administration to truly estimate the cost of the war.

Today I am asking for support because in protecting America this subcommittee adds funds to the FBI. We add $313 million for the Department of Justice, for both the FBI and DEA and the work they need to do in Afghanistan and in Iraq.

Once again, we have underestimated greatly the cost of this war. But we are not going to neglect our duty. This subcommittee provides $23 million to the Drug Enforcement Agency to fight narcoterrorism in Afghanistan, to fight the poppy trade that funds terrorism. Athough the cost was underestimated, we are going to make sure we are going to do our duty to put those DEA agents next to the Afghan leadership to fight this narcoterrorism.

Then, at the same time, we are going to have FBI agents in the war zone gathering intelligence on terrorists, dealing with IEDs and some of the forensic issues there, and we have provided money for them to be able to do this. Once again, they underestimated what it would take because there is very important work the FBI needs to do so our military is freed up in fighting the war. We fight the war against those who are trying to kill us with IEDs.

But while we are doing that, and we are trying to keep Afghanistan and Iraq safe, we added to this bill money for people here at home. What we did was we added $50 million to the U.S. Marshals' funds to catch fugitive sex offenders who threaten the safety of our children and our communities—$50 million more, which was authorized under the Adam Walsh legislation, the bill to be able to fund the Marshals Service to go after those sexual offenders for we know who they are, we know what they have done, and we know they are loose in our society. It is the Marshals Service that has both the authority and the know-how to do that. If we want to make the streets safe abroad, I certainly want to protect the children of the United States of America against these sexual predators.

Then, we also added, at the request of over 55 Senators, on a bipartisan basis, $490 million for Byrne formula grants for State and local police. We know there is a spike in violent crime all over the United States of America. The best way to fight violent crime is to make sure our local law enforcement has the tools they need to do their job. Therefore, we want the streets of Boston and Baltimore and Tuscaloosa to be as safe as we are fighting to make the streets safe in Afghanistan.

We are also working to deal with disaster recovery. In some States there are fishery disasters, such as in the gulf region, in New England, and the Pacific Northwest with its salmon constraints. We have added money to deal with the fisheries disaster. We also added a particular item for Byrne grants for the gulf region to address and deal with violent crime.

We are trying to deal with the fact that our own American citizens are facing disasters that so adversely affect either public safety or their very livelihoods.

Then, last but not at all least, we clean up the administration's mess. The census is on the verge of a boondoggle. There has been a technical meltdown in their ability to do the census. The so-called handheld devices that were going to be used to do the census in a new and data-driven way have not worked out. Who knows? The Secretary of Commerce is investigating it. But I am telling you now, it is going to cost $2 billion to fix it—$2 billion as in ''Barb,'' not $2 million as in ''Mikulski.'' So we are going to clean up the mess of the administration. In this supplemental, we put a downpayment of $210 million so we meet our constitutional responsibility to do this. I regret that the incompetency—the failure to stand sentry on taking the census, when they had 10 years to get ready for it, is indeed frustrating.

Then we come to another issue on prisons. Because of the inadequate budget request from the President, we are facing a violent undercurrent in prisons and terrible understaffing. We add the money, though the administration would not request it through its OMB. But all of the people who work at Justice who deal with this say this is a dire emergency, not to protect the prison but to protect the prison workers from dealing with this.

Then, also, what we did add was money for science, particularly for the space program, because when Columbia went down, they took the money for return-to-flight from other agencies. This returns it so we can keep our NASA on track.

That is what the CJS Subcommittee did, and I think we have done a good job. We tried to act to meet the needs in fighting the global war against terrorism. We dealt with the incompetency of underestimating the cost to these agencies because of the war. We are dealing with the incompetencies of either poor budget requests or the census boondoggle.

I think we have done a good job. I am asking my colleagues to support this legislation because if you want to protect our streets—if we need to help our people with their own disasters, and meet our constitutional responsibilities—you want to vote for my part from my subcommittee.

The other part that is in this bill, which will come at a later time, is that for which in the full Appropriations markup I offered an amendment to extend current law on something called H–2B. That is a seasonal guest worker program that has helped coastal States with being able to hire people, as well as the hospitality industry.

My amendment was a very simple amendment. All it did was extend current law that expired September 30. There was no new law. We broke no new ground. We created no new legislative framework. We created no new rights or privileges. It did three things. It lifted—it essentially gave a waiver on the cap of 66,000 people who currently come in.

What does all this mean in plain English? It means we were doing three things: first, protecting American borders; second, protecting American jobs; and third, rewarding the people who go by the rules. We protected American borders because we had a system that worked. People came, they worked, they went back home. Second, it protected American jobs because it was seasonal employment in industries that, in my State, particularly in the seafood industry, keeps businesses going that have been around for over 100 years. Then it rewarded the good guys, those people who are American employers who want to go by the rules—did not want to hire illegal aliens. But now we are going to poke them in the eye. It also rewarded the Latinos who came from Mexico—and I met with the madras down in my own State who often come from the same villages every year and return home.

Well, my amendment extended law. I know that my colleague—there will be a colleague who will raise the point of order today, and my amendment will

go down because it is not germane. I just wish to say this: It might not be germane, but it is relevant. Maybe it is not technically germane, but it is relevant because we are doing legislation to deal with the supplemental on compelling needs that our people face. That is why I want to get the sexual predators off the street.

I asked for 3 additional minutes. I am about to lose thousands of jobs because of this point of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent for 3 more minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am not going to speak long.

The handwriting is on the wall, but the handwriting essentially says this: If you go by the rules, you are going to lose out.

The Senator has the right to offer his point of order, but I am just telling my colleagues this: We are losing this battle on the seasonal guest worker program, not because of law but because of ideology, both from the extreme right and because of the left. So when my amendment falls, it is not about Barbara Mikulski's amendment falling. When that amendment falls, we will hear thousands of jobs falling where we actually had an immigration program that worked and rewarded people who went by the rules. That is it.

So that is the way it is going to be today. I look forward to the votes. I wish to congratulate the Senator for the way she has organized this bill and Senator BYRD for the great job he did.

Mr. President, I yield the floor, but I am pretty worked up today.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from Maryland for her passion on behalf of all Americans but particularly those whom she represents in Maryland. She has done an amazing job, and I commend her for that. I hope all of our colleagues listened to her words about what is in this bill because it is extremely important.

This first amendment we will be voting on today—we are going to have some pretty important decisions when we vote shortly because the bill we are debating does more than provide billions of dollars to fund our operations in Iraq and Afghanistan. What this amendment does is provide money for emergencies right here at home in America, including funding to respond to natural disasters and our weakened economy.

Now, as we debate this bill, we are facing a choice: Will we support the domestic funding to help keep our communities strong at home or are we going to simply ignore their needs as we send billions of dollars to Iraq and Afghanistan alone?

President Bush has made his position pretty clear. He said that the only emergencies worth funding in this bill are the wars in Iraq and Afghanistan. He said he is going to veto any legislation that includes one penny over his request of $183.8 billion for the wars.

But people across this country are hurting. Workers are facing unemployment. Our veterans are having to fight their own Government for the services they earned, and communities from Maine to New Hampshire to my home State of Washington are struggling to recover from devastating storms.

The domestic funding in this amendment would keep jobs here at home, repair badly damaged roads, care for our veterans, and help our rural communities. I think the President's veto threat shows exactly how out of touch he is with the needs of our American people.

As chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, one of the provisions in this bill that I am most concerned about is highway and bridge reconstruction. Now, it is not that President Bush isn't concerned about highway construction. This administration actually requested millions of dollars in emergency funding for highway construction in this bill. The problem is, I tell my colleagues, that President Bush's concern is for highways in Iraq and Afghanistan. In fact, those are the only requests for roads and bridge repairs by the President in this supplemental.

Meanwhile, the Federal Highway Administration is currently sitting on a backlog of applications totaling over half a billion dollars for roads and bridges that have been destroyed by natural disasters right here at home in America. They are still struggling in Louisiana to rebuild roads that were damaged during Hurricane Katrina and the heavy rains of 2006. Texas needs help to rebuild after Hurricane Rita and floods over the last 2 years. Large sections of roads in Maine and New Hampshire were destroyed in floods last spring. In Oregon and in my home State of Washington, we are still fighting to recover from devastating floods that were caused by storms of last December.

Let me give my colleagues an idea of what I am talking about. This photo shows us roadwork that is being done in Afghanistan. Now, in this supplemental appropriations bill, the President requested more than $725 million for construction, repair, and restoration of roads and bridges in Iraq and Afghanistan. The money the President is requesting includes over $300 million for the Commander's Emergency Response Program for road projects in Iraq and Afghanistan; $50 million for Afghanistan's Bamiyan-Dowshi Road, as well as another $275 million for other roads in Afghanistan. He is also asking for another $100 million in military construction projects for road projects in Bagram, Afghanistan, and elsewhere. My concern is that the President wants to fund these roads overseas, and yet he is ignoring that 21 States right here are waiting—waiting—for emergency help with roads and bridges that are eligible for Federal aid—roads in Louisiana, Maine, Minnesota, New Hampshire, Oklahoma, Oregon, Texas, and Washington.

Let's be clear. We are not talking just about fixing potholes.

I ask unanimous consent to have a table which displays all of the States that are waiting for emergency relief printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008

State	Event	Formal requests	Pending requests	Subtotal by State
Alabama	AL05–3, August 29, 2005 Hurricane Katrina (add'l request)	2,300,000		2,300,000
Alaska	AK06–1, November 2005 Winter Storms (add'l request)	175,769		175,769
California	CA05–1, 2004–2005 Winter Storms (add'l request)	117,700,000		
	CA08–1, October 3, 2007 La Jolla Slide City of San Diego		20,000,000	
	CA08–2 October 12, 2007 1–5 Tunnel Fire	17,600,000		
	CA08–3, October 2007 Wildfires	28,700,000		
	CA08–4, Martins Ferry Bridge Disaster		10,000,000	194,000,000
Kansas	KS07–1, May 4, 2007 Tornado and Flooding	1,539,553		
	KS07–2 June 21, 2007 Storms and Flooding	4,430,769		5,970,322
Louisiana	LA05–1, August 29, 2005 Hurricane Katrina Indirect Costs	28,998,103	43,469,548	
	LA07–1, October 16–November 2, 2006 Heavy Rains and Flooding	2,956,978		75,424,629
Maine	ME07–1, April 15, 2007 Rains and Flooding (add'l request)	185,000		185,000
Minnesota	MN07–2, August 2007 Flooding	7,461,465		7,461,465
Missouri	M007–1, May 2007 Flooding		1,783,500	
	M008–1, November 27, 2007 Jefferson Street Bridge Fire	1,249,308		
	M008–2 March 2008 Storms and Flooding		5,000,000	8,032,808
New Hampshire	NH07–1, April 2007 Flooding	3,929,229		3,929,229
New Jersey	NJ07–1, April 14, 2007 Northeaster		11,000,000	11,000,000
New York	NY06–1, June 2006 Flooding (add'l request)	1 ,437,989		
	NY06–2, October 12, 2006 Snowstorm	530,040		
	NY06–3, November 16 2006 Heavy Rains and Flooding (add'l request)	323,773		
	NY07–1, April 14, 2007 Northeaster	4,890,577		

EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008—Continued

State	Event	Formal requests	Pending requests	Subtotal by State
	NY07–2 June 19, 2007 Flash Flooding	9,108,477		16,290,856
North Carolina	NC06–2, November 22, 2006 Storm	2,379,372		2,379,372
Oklahoma	OK07–2 May 4–11, 2007 Flooding	2,352,482		
	OK07–3, May 24–June 10, 2007 Flooding	4,446,404		
	OK07–4, July 10, 2007 SH 82 Landslide	5,690,000		
	OK07–5 August 18, 2007 Tropical Storm Erin	6,188,889		
	OK08–1, December 8, 2007 Ice Storm	10,425,000		
	OK08–2 April 9, 2008 Storms	4,400,000		33,502,775
Oregon	OR08–1, December 2007 Rainfall and Flooding		10,000,000	10,000,000
Rhode Island	RI07–1, April 2007 Rainfall and Flooding (add'l request)	431,600		431,600
South Dakota	SD07–1, May 5, 2007 Flooding	592,638		592,638
Texas	TX05–1, September 23, 2005 Hurricane Rita (add'l request)	3,460,240		
	TX06–1, July 31, 2006 El Paso Flooding	15,831,845	16,864,081	
	TX07–1, May–June 2007 Flooding		16,830,983	52,987,149
Vermont	VT07–1, July 9–11 2007 Severe Storms	1,774,533		1,774,533
Washington	WA07–1, November 2006 Flooding (add'l request)	11,080,000		
	WA08–1, December 2007 Rainfall and Flooding	44,800,000		55,880,000
West Virginia	WV07–1, April 2007 Heavy Rains and Flooding	1,494,611		1,494,611
Wisconsin	WI07–1, August 18, 2007 Rainfall	4,802,452		4,802,452
FLH Manag. Agencies	various events	11,494,066	2,800,000	14,294,066
Total		365,161,162	137,748,112	502,909,274
Excess funds from Northridge Earthquake (PL 103–211)				51,782,891
Net Unfunded Backlog				451,126,383

Mrs. MURRAY. Mr. President, in several of those 21 States that are waiting for funds, officially declared natural disasters wiped-out roads and bridges, completely creating obvious safety hazards but also cutting off some of our rural communities and disrupting families and commerce. Here is a picture that gives us an idea of the scope of the problem we face in my home State alone. Sections of roads such as this one in Gifford-Pinchot National Forest were completely destroyed in recent floods.

If the Federal Government doesn't provide help, these States are going to have to either wait to fix these roads or pay for these emergency repairs by diverting money from their annual highway funds and delaying or cancelling critically needed projects. At a time when we know our economy is slipping and gas prices are at an all-time high, our States can't afford to do this. A State such as Oklahoma would have to spend almost 7 percent of its entire annual highway program to help repair roads that were destroyed during recently declared disasters.

Mr. President, 2007 was an unusually hard year for Oklahoma. The problems that were caused by storms last year were compounded by more storms this past April. As a result, the backlog of highway repairs now waiting for the Federal aid emergency relief program totals $33.5 million. That money is contained in the amendment we will be voting on this morning.

So, as I said, my home State of Washington was hit by devastating floods last December. Communities from southwest Washington in Whatcom County on the Canadian border are struggling to recover, and they desperately need and deserve help from our Federal Government.

The bottom line is that while I understand the problems that inadequate roads pose to our military and the people in Iraq and Afghanistan, we also have urgent needs right here at home for the same kinds of repairs, and we have a responsibility to address those emergencies. The longer we wait, the longer the list of roads waiting for repairs becomes. And those damaged roads hold up our commerce, they keep people from getting to work, and they keep goods from getting to market. That is going to continue to hurt our already strained economy.

Just yesterday, Governor Gregoire in my home State declared an emergency when a highway in Spokane was completely washed out in heavy rains and snowmelts. Our Transportation Department says those repairs will cost $1 million, and it is going to take several days to reopen a single lane of that traffic.

When our citizens pay their taxes, they except their money will go to keep the roads and bridges in their own communities safe and reliable. I think President Bush is profoundly out of touch if he believes our taxpayers would rather spend their money on new roads overseas than on damaged roads in their own communities.

So I hope my colleagues on both sides of the aisle pay close attention to what is in this emergency relief amendment and that they vote to take care of their own constituents at home while we continue to fund these wars in Iraq and Afghanistan.

Thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, earlier this week I spoke about the need to act expeditiously to consider the supplemental appropriations bill to fund ongoing operations in Afghanistan, Iraq, and the global war on terrorism. I don't know that I could add any more persuasive reasons why we must approve the President's request for supplemental appropriations.

In a hearing earlier this week before our Appropriations subcommittee, Secretary of Defense Gates testified that the military personnel account that pays our soldiers and the operations and maintenance accounts which fund readiness, training, and the salaries of civilian employees across the Defense Department will run dry over the next few weeks. Secretary Gates can forestall this depletion of funds for a short period of time, but if he does so, it will disrupt ongoing programs that are critical to our operations in theater and to our national defense generally.

Delay in providing funds for our troops has already disrupted operations in Afghanistan and Iraq. Admiral Mullin, the Chairman of the Joint Chiefs of Staff, testified before the Appropriations Defense Subcommittee also about a recent visit he had with soldiers on the front lines. Those soldiers told Admiral Mullin that they were unable to allocate additional funds from the Commander's Emergency Response Program because essentially all the money had been allocated for the quarter. We are two-thirds of the way through the fiscal year, and yet Congress has provided less than one-third of the funds requested for this emergency response program.

Secretary Gates characterizes this initiative as:

> The single most effective program to enable commanders to address local populations' needs and get potential insurgents in Iraq and Afghanistan off the streets and into jobs.

I will not repeat my statement from earlier this week on the urgent need to move this process forward, but it is clear that when Congress finally began to act, it did so using convoluted procedures designed to shut out individual Members in the Senate and in the other body. Yet, this morning, it remains highly uncertain whether an adequate and signable supplemental funding bill will be sent to the President before Memorial Day. There are rumors—conversations—about a short-term, 1-month supplemental being drafted by the majority.

Mr. President, that is really not what we need. It is one thing to extend the aviation bill or the farm bill or other programs for short periods of time while Congress completes its work on long-term legislation, but to begin stringing out our military and our diplomatic corps on a month-by-month

basis during a period of military conflict is a dereliction of our duties.

I worry that the Congress is becoming an impediment to the efficiency and the capability of our Government, and to our Department of Defense in particular. We are not acting to protect the security of our troops who are putting themselves in harm's way and embarking on dangerous missions or providing for others whom we are trying to train to prepare to take over the responsibilities for national security. We need to get together now.

The time for dragging our feet is long past. We need to find a common ground so that we can provide our men and women in the field with the necessary resources and the support that is necessary to conduct successfully the mission assigned to them by our United States Government. We need to do this without any further delay. I urge my colleagues to do it now.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak in support of the supplemental bill that was put together by many Members, actually, on both sides of the aisle, who believe that, yes, we should expedite funding for our troops in the field, but also there are emergencies right here at home, as eloquently described earlier this morning in the remarks of the Senator from Maryland and the Senator from Washington State.

I would like to add some words to their arguments. First of all, I realize there is an emergency and a war and conflict going on in Iraq and international incidents around the world that deserve the attention and support of this body. But there are also emergencies right here at home and imminent and ongoing threats.

This chart basically says it all. It is a frightening chart to me, a depressing chart, but it is reality. The reality is, since 1955 through 2005, this is the track of hurricanes that have hit the United States. Some of these are category 1, some are category 2, but dozens of them are categories 4 and 5. This track is Hurricane Katrina in yellow and Hurricane Rita in blue, which devastated large parts of Louisiana and Mississippi, even going into Alabama and Texas—flooding thousands of homes and killing 2,000 people plus along the gulf coast. The predictions are that these kinds of storms are going to get more frequent and worse.

There is nothing we can do to prevent hurricanes. This is Mother Nature. We have just seen it explode in China and in Burma. It is frightening to a civilized society. We get in strong buildings like this and think that nothing can hurt us; surely no water could reach us or wind destroy us. Then Mother Nature appears in a very violent way sometimes and reminds us how vulnerable we all are.

In the United States, we just don't cry about these things and wring our hands. We do something. We, the States, local and Federal Governments appropriate funding to build the right kind of levees and dams, and we provide the right paradigm or framework for insurance because that is the way we protect ourselves. Hopefully, we have infrastructure that will not fail when the pressure comes; and then insurance, if it does come, to help people who have lost so much get back on their feet. That is all we can do. It would be good if we would do that.

But if we vote against this bill today, we are not taking the necessary steps to get that done. Again, this is a depressing chart to me. I don't like to see it, but I put this up in my office to remind myself that this is not just about Katrina and Rita, which we will be marking the anniversary of on August 29—3 years—and then September 24, 3 years for Rita, two of the most destructive storms to hit the United States. I remind myself that New York is in danger, New Jersey is in danger, and South Carolina and North Carolina are in danger. And Florida, in 2005, had the worst storm season of the century, according to the Senator from Florida.

Briefly, referring to this chart, this is the area that went underwater in New Orleans, this region—New Orleans and Jefferson and St. Bernard. Some say: Why don't you all just relocate? That would be a very expensive proposition, and impossible, for any number of reasons. One, about 1 million people live in the metropolitan area; two, the mouth of the Mississippi River is something that the people of Mississippi and Louisiana most certainly think is an important asset to the country—so important that Thomas Jefferson, when he was President, leveraged the entire Federal Treasury to purchase it. We put all of our defenses along the river to defend it. You cannot close this river. The people who work on the river and contribute to the assets of the country cannot go live in Arkansas or north Texas or north Mississippi. They need to live close to the coast for all of the important energy that comes.

The city is no longer underwater. The water is long gone, but the tears are still there and the pain is still there and the frightening part is still there because the start of the hurricane season is just right around the corner, June 1. We have reports in the paper today that there is some leakage in the same canal that breached and destroyed over 10,000 homes—or more, actually—in the Lakeview area, which is a solid middle-class area.

This is a picture from the Times-Picayune today. In this bill, there is about $7 billion for levees, to finish the construction of levees that broke—Federal levees that should have held and didn't. We are in a mad dash to get these levees and this infrastructure rebuilt strongly, correctly, and safely so people can begin to rebuild this city higher, yes, and stronger, yes. But no one living in the middle of a city or urban area should have to go to bed at night and wonder when they wake up if they will be in 8 feet of water or 12 feet.

This is the 17th Street Canal, and you have seen this many times in pictures. That is what is in this bill. I urge my colleagues to vote yes on the supplemental.

I ask unanimous consent for 2 more minutes.

Mrs. MURRAY. Madam President, I can only yield 30 more seconds. Other Senators wish to speak.

Ms. LANDRIEU. We have hurricane levees in this bill. We also have housing vouchers. The risks have increased substantially in the region. After the storm, we lost 250,000 dwellings in Louisiana and thousands in Mississippi. We have a homeless population that has doubled. There are housing vouchers in the bill for the homeless, for the very low income, and for the disabled. After storms like these, that population is gravely threatened.

I will come back later and finish my remarks. This is important to the people of the gulf coast. I thank the Senator for the time allowed this morning. I urge my colleagues, in supporting the war funding in Iraq, please let's remember the emergency still going on at home.

Mr. COCHRAN. Madam President, I ask unanimous consent that the remaining Republican time be allocated as follows: Senator GRAHAM for up to 20 minutes to engage in a colloquy with Senators BURR, KYL, and CORNYN; Senator VITTER for 5 minutes; Senator BROWNBACK for 5 minutes; and that the remainder of the time, if anything, be allocated by Senator MCCONNELL, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 2419, which the clerk will read, and which will be spread in full upon the Journal.

The legislative clerk read as follows:

Veto message on H.R. 2419, a bill to provide for the continuation of Agricultural programs through fiscal year 2012, and for other purposes.

Mr. REID. Madam President, so that there is no misunderstanding, I ask unanimous consent that the veto message on H.R. 2419, the Food Security Act, be considered as having been read, that it be printed in the RECORD, and spread in full upon the Journal, and held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the ''Food, Conservation, and Energy Act of 2008.''

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 21, 2008*.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008—Continued

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, the Senate has a real opportunity today to do right by our newest veterans who have served us well in Iraq and Afghanistan.

When our troops came home at the end of World War II, our Nation made a choice to make college a reality for millions of them. Nearly 8 million veterans—half of all who served in that war—took advantage of the Montgomery GI bill. They had their college education paid for. Our country made a decision to invest in our warriors' future as they returned from the battlefield. As a result, the ''greatest generation'' produced broad-based growth and prosperity.

Today, we are great at sending our troops off to war, but we are coming up short in providing the benefits their service has earned. That is shortsighted and wrong.

A very small percentage of Americans actually serve in our Armed Forces, the military, on Active Duty, Reserves, and National Guard. It totals less than 3 million people in a country of 300 million.

So far, 1.6 million troops have served in Iraq and Afghanistan. Tens of thousands more of our troops will rotate through in the coming months. These men and women and their families are the ones who have borne the sacrifice of 15-month deployments, multiple tours of combat zones, injuries, and the loss of far too many of their battle buddies.

It is right that the Senate give back to them by giving them a GI bill that meets today's needs. It is time to treat doing right by our veterans as a true cost of war. These folks all joined the service because they love their country, they want to serve, and they want to be a part of all the great work our military does. It is hardly glamorous, but it is critical to our Nation.

A GI bill that provides our troops the full cost of a college education is a vital recruiting tool, and it helps us give back to the people who are serving our country.

Today, nearly one-third of all Active-Duty servicemembers who signed up for the GI bill never use the benefit. There are many good reasons, but one of the main reasons is that the current GI bill doesn't provide enough benefit to meet the needs of today's veterans.

Madam President, today's GI bill is woefully inadequate. It only provides about $9,000 in costs for an academic year of college. When you factor in tuition, room, board, books, and other living expenses, that is only about 70 percent of the actual cost of attending a university such as the University of Montana. It is only a drop in the bucket for a private school.

The Webb amendment that we have before us today fully covers the cost of any instate public school's tuition and fees, and it creates a matching program to help create incentive for private schools to do the right thing and pay for a veteran's education. It will stay this way for a generation. This legislation is tied to the cost of public education so the benefit to our veterans will keep pace with the annual rise in tuition and fees, which have averaged about 6 percent over the last decade.

Another thing that makes this amendment so important is that for the first time it brings the National Guard and reservists more access to the GI bill. Right now, few guardsmen and reservists can get the full benefit. Given how much we have relied on the Guard in Iraq, I think that is wrong.

Let me also say we know the vast majority of servicemen sign up for the GI bill, but that has a cost. When you first receive a paycheck from the military, you have to decide whether to spend $100 a month for the first year on buying into the GI bill benefit. That is a total cost of $1,200. Now, $100 may not seem much to some folks in Washington, DC, but I guarantee you that to an airman just out of basic and on his or her first tour at a base such as Malmstrom Air Force Base, that $100 is a big deal. The Webb GI bill gets rid of that fee, and it is about time we did so.

Finally, I wish to address one of the complaints about the Webb bill. Some have said the Webb bill will hurt retention, especially in the mid-career officer corps. This is simply untrue. A commissioned officer would have to serve 8 or 9 years before being fully eligible for the new enhanced GI benefit. It is not the GI bill that causes mid-career folks to leave the military. It is 15-month deployments, multiple tours, and stop-loss involuntary deployment extensions, the so-called back-door draft.

So I hope we can get this done today. This bill will cost about $2 billion a year, and that is a little less than we spend in Iraq in 1 week.

Keep in mind that, over a lifetime, the average individual who goes to college earns more than $500,000 more than someone who does not. This is the right thing to do for our troops, but it is also a good investment in our country's future, especially at a time when the economy is sputtering, wages are stagnant, and jobs are being lost. So I call on this body to stand by our Nation's warriors and to pass a 21st century GI bill. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I wish to be recognized for 6 minutes because we are going to split the time with my colleagues. Would the Chair let me know when 5 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. GRAHAM. Madam President, three quick points.

The procedure being employed is bad for the country, it is bad for the Senate, and my Republican colleague, Senator COCHRAN from Mississippi, expressed himself very well. If we give in to this, pack and go home. We don't deserve to be here.

Now, I have a proposal, I say to my good friend, Senator TESTER. I have a proposal that does two things. It helps those who leave the military get a better GI benefit. He is right; we need to increase the money we give to people who leave the service to go to college. But the Webb bill, unfortunately, according to CBO, hurts retention. The benefits of $52, $53 billion are all driven to the people who would leave, and the consequence of that is we are going to hurt retention, according to CBO, by 16 percent.

Our approach, Senators MCCAIN, BURR, and many of us here, is to do two things: Increase the benefit for those who leave but entice people to stay and reward those who will make a career out of the military. The backbone of the military, I say to Senator TESTER, is the career NCOs, and we have a proposal that if they will stay in for 6 years, they can transfer half their benefits to their family members, to their spouse or to their child. If they will stay to the 12-year point, they can transfer 100 percent of their GI benefits to their spouse or their child.

That would reward people for staying in and making a career. They can get their retirement pay and have money to send their kids to college. It rewards people to stay in the military and make a career of the military at a time we need a career force because we don't draft people anymore.

This is not World War II, this is not Vietnam, this is a global struggle being fought by a few, and we need to do two things: Reward those who serve and decide to go back into civilian life, and tell those families and military members who will stay on for a career, God bless you, we are going to treat you differently than we have ever treated you before. We are going to give you a benefit you have never had before. You are not only going to be able to retire, but you are going to be able to send your kids to college without using a dime of your retirement pay.

But under this procedure, we can't even talk about this. To my Republican colleagues who denied me a chance to put up my idea, shame on you. I have never done that to you all. Now, if there is some project in this bill that means that much to you that you are going to throw the rest of us over, we don't need to be here.

As to the war and the funding, Senator REID said on April 20, 2007:

> This war is lost. The surge has not accomplished anything, as indicated by the extreme violence in Iraq yesterday.

April 20, 2007. April 13, 2007:

> Reid said he plans to continue an aggressive path for early withdrawal from Iraq and does not particularly care if the Republicans are trying to paint that position as a lack of support for U.S. forces. Why? Because we are going to pick up Senate seats as a result of this war.

SCHUMER, April 25, 2007:

> The war in Iraq is a lead weight attached to their ankles, Schumer warned, predicting that congressional Democrats will pick up additional Republican votes for Democratic initiatives as the 2008 elections approach. We will break them, because they are looking extinction in the eye, Schumer declared, making no attempt to hide his glee.

Come down to the floor today and stand by those statements. It is not about the Republicans winning or losing seats, it is about this Nation being able to be safer. It is about winning in Iraq, not being a stakeholder in our defeat. It has never been about the next election to me, it has been about standing behind moderate forces in Iraq that will fight al-Qaida. Well over a year later, we have evidence now from the surge, with better security, that Muslims in Iraq have taken up arms, stood by us, and are giving al-Qaida a punishing blow. Reconciliation, political economic reconciliation in Iraq is beginning to bear fruit because of better security and Iranian desires to dominate that country, to kill Americans, and split Iraq. They are losing. We are killing special groups from Iran by the droves.

So I hope this President, President Bush, will veto this bill, if that is what it will take.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. GRAHAM. I thank the Chair.

Senator WEBB said he is going to test President Bush's concerns for the troops to see if he will sign the Webb bill. To President Bush: Do not sign this bill. It will hurt retention.

We can all come together to help those who serve and leave the military and give them a benefit better than they have today because they deserve it, but we should be working together for the common good to retain a career force that is going to fight this war and the war of the future.

The people who put the Webb bill together had no idea what they were doing when it came to retention. They didn't even think about retention. Senator OBAMA said: Yes, if people leave, you will get some more. The heart and soul of any military is that career NCO officer, and we need to retain them, tell them their service is valuable, and help them stay around. We need to help those who leave, but, for God's sake, reward those who stay.

So this is a defining moment for the Senate, for the Republicans, and for this war. I can tell you that if we will leave the generals alone and support our troops, they will win this war.

To my Republican colleagues, if we will stand firm for a fair procedure and a sensible solution to the veterans' problems, we will get rewarded in the next election, not punished. If we give in to this, we don't deserve to be here.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I also would request to be notified at the end of 5 minutes.

The PRESIDING OFFICER. The Chair will notify.

Mr. BURR. To my colleagues: What we have today is a choice between something and nothing. I am not sure that is fair for our veterans. I am not sure it is fair for the American people. Procedurally, what the leadership has decided to do is to give us one choice. When you have one choice, it is not a choice, it is a mandate. The choice they have given us today as Republicans, quite honestly, and as a Senate, is either support what they have prescribed to us or vote against it.

The President has already said: I am going to veto this bill because, from a policy standpoint, it does not embrace what is in the best long-term interest of this country and of our security. I think the American people understand that.

Procedurally, the only tool we have is to say we are not going to vote for it or we are going to stand with the President and uphold his veto and bring the majority back to the table to present a process that allows us to debate the differences between the two competing views. I believe it is worth it when we talk about the education of our veterans.

I believe there are parts of the Webb bill that are very well done, and there are parts of the Graham bill that are extremely beneficial to our soldiers. We will never get that opportunity unless enough people in this body are willing to stand up and say this process absolutely stinks and we are not going to stand for it.

The politics of it Senator GRAHAM pointed out very well. There are some who believe the politics of the next election trump whether this bill is right or whether the process is fair. I don't believe politics should play a part

in this. I only wish those who have expressed such concern about this education benefit would help me fix K-through-12 education, where last year 70 percent of the high school students in this country graduated on time, and 30 percent of our kids do not have the tools to be asked to interview for a job. But we are more passionate about making sure we don't even create a choice on education for our veterans. They have no voice in this. This dictates what their benefit is going to be in the future. I think we have a right to come down and debate the merits of two proposals but not under the structure we have been given today.

The politics of this have gotten ugly. This week an ad was run that showed a veteran who had been injured in battle, a service-connected injury, and it said unless you support the Webb bill, there is no education benefit for this injured vet. Well, let me say today that is a lie. It is factually challenged. Any servicemember who has a service-connected injury has 100 percent coverage for their education benefit today without us doing one thing. It is called the Vocational Rehabilitation Program within the Veterans Administration. It covers their tuition, public and private, Harvard or North Carolina at Chapel Hill. It doesn't matter if it is a State or private school. It covers their room, their board, and their tuition. It will even pay for somebody to work with them on their resume enhancements, on interview techniques.

Every person with a service-connected disability is covered under vocational rehab. To suggest in an ad that they are left behind if the Webb bill is not passed is absolutely the most disingenuous thing I have ever seen.

From a policy standpoint, do our veterans deserve the ability to determine whether the GI benefit they have qualified for is, in fact, transferable to a child? Well, what we are saying today is no. No, you don't have a right to do that. That is our benefit. We dictate in legislation how you use it. We are not going to have a debate on whether transferability, whether a servicemember who qualifies for an education benefit should have the right. Their decision.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. BURR. I thank the Presiding Officer.

Should it be their decision to decide whether a spouse or family member, who has sacrificed so much, is going to be the recipient of a benefit or whether they are going to let it expire because they have the education they need? Well, not having the debate, we are not going to have an option to sell to our colleagues, to sell to veterans, to sell to the American people why veterans deserve more than what the Webb bill offers. We have only valued it on dollars, not on benefit.

From a policy standpoint, this creates a tremendous inequity between States because the benefit is actually determined by where a veteran actually chooses to go to school, not by where they live or where they came from.

It is not equal for every veteran. Some will get more, some will get less, and the unintended consequences are that States will look at that subsidized higher education today and say: Why should we subsidize it in the future, we get cheated when the Government pays us.

We know who will pay for that: All the kids who go to school. All the kids in the future who are not connected to the military, when they go in to make their tuition payment, are going to be the ones who pay the brunt of this situation.

There is only one way to stop this, and that is to make sure we uphold the President's veto. We are not going to defeat the legislation to move forward, but we have to uphold the President's veto if, in fact, we want to bring this legislation back to the Senate floor, have a real debate about the differences in the legislation, a real debate about what is important to our veterans, a real debate on what affects retention, a real debate on what provides the security we need in this country in an all-volunteer Army.

I am convinced that our colleagues understand the importance procedurally of making sure this comes back to the Senate in a fashion that we can actually have a real debate about creating a choice between something and something versus the setup today, which is something and nothing.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from North Carolina and the Senator from South Carolina for their leadership, but I also wish to congratulate Senator WEBB, the Senator from Virginia. I do believe that all of these Senators, and those of us who join them, are operating with the best of intentions, and that is how do we modernize the GI bill that helped provide my father an education after he left the Air Force after World War II? How do we modernize the GI bill and provide the maximum benefit we can but also make sure it provides for benefits to military families by allowing for transferability to spouses and children under some circumstances? And, I would think, fundamentally to our national security, how do we preserve and protect the All-Volunteer military force?

I know it is not his intention, but Senator WEBB's bill actually would encourage people not to reenlist by providing a perverse incentive to leave early in order to obtain the benefits they would receive after 3 years of service. We need to make sure we encourage continuation of service, retention in the military in the best interests of our All-Volunteer military force.

To me, it is ironic—I remember the Senator from Virginia had an amendment where we would restrict the amount of time a servicemember could be deployed and then provide for a minimum time they had to be back home before they could be deployed again. Again, it was a noble aspiration that he had but, unfortunately, because our forces were spread too thin because we had allowed the end force, the end strength of our military to degrade over time, we had to, as a matter of our national security and success in our current efforts in Iraq and Afghanistan, ask these servicemembers to return to service without an adequate dwell time.

Perversely, I think the Senator's bill, by encouraging early exit from the military and hurting retention, according to the CBO, by some 16-percent, would actually be at cross-purposes with the very proposal he advanced earlier about allowing our military more time at home because it would reduce the number of people in our All-Volunteer military and make it necessary that they be deployed more often and at greater sacrifice.

I do believe we ought to reward those who continue to serve. We ought to reward the families by allowing transferability of the benefit upon continued service to spouses and children.

I can tell my colleagues, speaking to groups in Texas this last weekend, that one feature was something they very much appreciated. We ought to do everything we can to strengthen and nurture our All-Volunteer military force and not to cause a 16-percent decline in retention rates.

Mr. President, I see the Senator from Arizona on the floor. I yield to him for a question.

Mr. KYL. Mr. President, I wonder if the Senator from Texas will yield for two questions I have.

Mr. CORNYN. I will be happy to yield.

Mr. KYL. Mr. President, I absolutely agree with the Senator from Texas that we have to get to a point where we can debate and vote on alternatives to assist our veterans. It is very distressing to me to hear there are TV ads running against the Senator from Texas and against my colleague from Arizona that call into question your commitment and his commitment to the veterans of our country.

I am informed that one of the ads says:

> Senator Cornyn is fighting tooth and nail against giving adequate benefits to our troops and veterans, using it as a wedge in partisan politics.

Is the Senator aware that language is being used in an ad against the Senator from Texas.

Mr. CORNYN. Mr. President, I am aware of the ad. I have to say to the distinguished Senator from Arizona, it is not the first time I have seen a phony ad on television. Of course, as he suggests, there is no basis for it.

Mr. KYL. Mr. President, if I may just say, the Senator from Texas, as you just heard and as we all know, has been

speaking on the floor of the Senate and in meetings we have been having about this issue. He has been working very hard to find the best way to support our veterans with their educational benefits. I want that crystal clear on the record.

Secondly, is the Senator aware that there is also an ad—my understanding is it says that ''Senator MCCAIN, as the leader of the Republican Party, must send a signal to his colleagues in the Senate that now is not the time to play politics by forcing Senators to choose between his bill and the Webb-Hagel measure.''

It seems to me that statement is exactly right, that we should not be forced to choose between one or the other, but procedurally, the way the bill comes before us, we have two choices: to vote for or against Webb; whereas if the President were to veto this bill, there is an opportunity to negotiate between the two different approaches, both of which have some merit, and get the best of all worlds.

Will the Senator from Texas comment about the process by which we might actually get the best bill to assist our veterans with GI educational benefits?

Mr. CORNYN. Mr. President, the Senator from Arizona is exactly right. We need to have a fair debate and fair opportunity for a vote on these competing proposals, both of which I say, again, were borne out of the best of intentions, and that is providing educational benefits for our military servicemembers and their families.

But I have to add that calling into question Senator MCCAIN's commitment to veterans is laughable. It would be laughable if it wasn't so pathetic. No one serving in the Congress and few serving anywhere in the United States have given more to support our military servicemembers, both active and retired, and, obviously, Senator MCCAIN himself is a war hero. To me, that is the kind of phony ad that I think causes most people simply to dismiss it because there is just no basis for it.

I agree with the Senator from Arizona that this procedure, whereby we are asked to vote on what started out to be an emergency funding bill to support our troops in harm's way in Afghanistan and Iraq, has now been larded up with a bunch of pet projects and other spending which have nothing to do with supporting our troops in harm's way.

Congress, by engaging in this sort of conduct, is actually slowing down delivery of the money to the troops who need it. We have been told by the Secretary of Defense and the Secretary of the Veterans' Administration—particularly the Secretary of Defense—that unless we act——

The PRESIDING OFFICER. The time for the colloquy has expired.

Mr. CORNYN. Mr. President, I ask for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Unless we act promptly, we are going to find out our troops are not going to get their paychecks, and the services that are available for our military families are going to be denied unless Congress acts. So why would we engage in this kind of delay?

Finally, the Graham-Burr bill does provide for the full cost of a 4-year public school education in my State of Texas, which costs roughly $55,000 a year. This bill provides $58,000 a year worth of benefits and added to items such as the Hazlewood Act, which allows tuition forgiveness, is a good benefit and one certainly deserved by the veterans who take advantage of their GI benefits in my home State, and I am proud to support them.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following four Senators be our next speakers, rotating back and forth with the other side: Senator HARKIN for 4 minutes, Senator KOHL for 3 minutes, Senator LINCOLN for 4 minutes, and Senator CLINTON for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, let me state the obvious. The administration's position, and what I hear from the other side of the aisle, is a blank check for Iraq but not a dime for urgent domestic priorities. I can tell you that is a nonstarter with the American people. We have more to do here internally for America than just borrowing money from China and sending it to Iraq.

I have worked to add to this bill urgently needed funding for an array of domestic needs, including health care, extended unemployment insurance, and grants to fight crime in neighborhoods across America.

We have added emergency funding for the Byrne Grant Program to provide critical funding to local law enforcement, and this funding is crucial. Unless we restore the Byrne funding for fiscal year 2008, local law enforcement operations will be severely cut back—set back, even—if we provide the funds in 2009.

In my State of Iowa, over half of all the drug task forces will be forced to shut down unless these cuts are restored. Mr. President, 15 out of 21 regional drug task forces will be eliminated. That is just my State. Think about your State. It is going to devastate our law enforcement activities to fight drugs and crime. Law enforcement has made it clear that once these programs are stopped, they are very hard to start again. It is hard to hire back trained and experienced law enforcement, hard to restart a wiretap, for example, to reconnect with lost witnesses. So the Byrne Grant Program is absolutely essential. But there are other things we need to do.

There is $400 million for NIH in this bill. Much of that is for cancer research. We are making great strides, but in the last few years, we have not kept up with medical inflation, and therefore the amount of dollars we have for cancer research is being eroded.

We have $1 billion in this bill for LIHEAP, the Low-Income Home Energy Assistance Program. Mr. President, 15.5 million households are at least 30 days overdue in meeting their heating costs. We know how high costs are going, and now we have the summer months coming on, and in the South particularly, where they are going to need air-conditioning, we need this money for our low-income and our elderly people.

We extend unemployment compensation by 13 weeks. We know the best stimulus of all is to help those who are unemployed, to get them the money, to get them through a rough patch so they can get back to work.

We also defer the implementation of seven Medicaid and Medicare amendments. These are supported by the National Governors Association. If we do not defer the implementation of these amendments, it is going to have a profoundly bad effect on health care in all of our States, and many of these regulations go into effect in June and July of this year unless we put a stop to them.

These are all the provisions that are in the domestic package.

Again, we have $100 billion in this bill for Iraq and Afghanistan. What about America? What about using this bill to stimulate our economy, extend assistance to the unemployed, fight crime, create jobs, and invest in medical research? It is not just Iraq and Afghanistan, it is also America. That is what this first domestic package is about, and I urge all Senators to vote to adopt this amendment to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, the pending amendment includes several provisions within my jurisdiction as chairman of the Agriculture Subcommittee. Under the current unanimous consent agreement, these provisions will be stripped from the bill if we fail to get 60 votes. So I want my colleagues to know exactly what they are voting against if they oppose this amendment.

The amendment includes $180 million to help American communities and families in most States recover from recent natural disasters, including floods and tornadoes. Already this year, we witnessed a new record of tornado touchdowns, and flooding in the South, Midwest, Pacific Northwest, and other parts of the country has been devastating. If these funds are dropped from the bill, then we are asking for even greater destruction when other storm events strike later this year.

The amendment also includes $275 million for the Food and Drug Administration. I know this is important to the senior Senator from Pennsylvania, and I suspect it is also a priority for

other Members as well. The FDA needs to get its house in order on food and drug safety, and these funds are targeted to do just that. FDA Commissioner Von Eschenbach called me himself to stress the need for this funding.

Finally, I wish to talk about food aid. For Pub. L. 480, this amendment provides an additional $500 million over the President's request in the current fiscal year. These additional resources will compensate for skyrocketing food and transportation costs that no one in the administration seems to be acknowledging.

I have written two letters in recent weeks, one to the President of the United States and another to the Secretary of State, urging them to support these additional resources. I am still waiting for a response. I am troubled by their silence.

I ask unanimous consent these two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 5, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Although the food aid proposal you unveiled last week is a welcome signal of our Nation's commitment to hungry people across the globe, I feel obliged to respectfully disagree with the specifics and make several observations.

While your proposal calls for an additional $395 million for Public Law 480 food assistance, none of this additional assistance would become available until the beginning of the next fiscal year. Sadly, I don't believe the crisis of escalating food and transportation costs can be held at bay that long and I fail to see how these additional resources help anyone right now. I would welcome an explanation from your administration.

As Chairman of the Senate Subcommittee with jurisdiction over P.L. 480, I believe we need more timely action. I intend to include enhanced P.L. 480 funding in the upcoming supplemental appropriations bill so that additional resources will be available for the current fiscal year. I realize this may be at odds with your oft-stated pledge to veto any supplemental which exceeds $108 billion. While I do not wish to invite unnecessary controversy over such an important topic. I think we have a moral obligation to act quickly. The poorest of the poor across the globe cannot wait nearly half a year for us to make good on this pledge.

Sincerely,

HERB KOHL,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 16, 2008.

Hon. CONDOLEEZZA RICE,
U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: News that our government has reached agreement with North Korea to provide food aid for the coming year is a welcome development.

U.S. food aid is tremendously important in many corners of the globe, and as chairman of the Senate Appropriations Subcommittee with jurisdiction over PL–480 food assistance I welcome the opportunity to collaborate in this area. Recent food shortages and price increases have sparked unrest and instability in a variety of places. I believe it's critical that we maintain robust capacity to respond with U.S. food aid.

With those thoughts in mind, I recently sent the attached letter to the President regarding supplemental funding for PL–480. As you know, the $770 million in food aid announced with much fanfare earlier this month would do little to provide immediate new resources for this key program. Consequently, I insisted that the Supplemental Appropriations Bill approved yesterday by the Senate Appropriations Committee include an additional $500 million for PL–480 in fiscal year 2008. I hope you will agree that this is a necessary and appropriate course of action and that you will encourage the Administration to endorse this revised funding level.

Our moral obligation to ease human suffering and our strategic interest in promoting stability could not be more closely aligned where food aid is concerned. Please join me in pushing for these additional resources and convey to the President how his oft-stated threat to veto any supplemental which exceeds his request runs counter to this worthy objective.

Sincerely

HERB KOHL,
U.S. Senator.

Mr. KOHL. Mr. President, Public Law 48 provides our Nation's response to hunger and malnutrition around the globe. By all accounts we are facing a serious crisis in the months ahead. UNICEF estimates that 6 million Ethiopian children under the age of 5 are at risk of malnutrition and that more than 120,000 have only about a month to live—that is a chilling and disturbing thought; 120,000 children in Ethiopia have only a month to live—and we know this tide is coming. Our moral responsibility, I believe, is clear.

There are other critical situations around the globe. The Secretary General of the United Nations is in Burma today, surveying the crisis at hand. These additional resources are needed now and not just for places that are making headlines.

Each of the provisions I described—the flood recovery money, the food and drug safety money, the food aid money—cover legitimate needs that deserve to be addressed. They are not pork, they are not excessive, they are rational responses to critical problems. If we fail to address them in this bill, we have done a disservice to the public.

I urge my colleagues to weigh these items carefully as they consider their support for the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I come to the floor today to voice my support as well to the supplemental appropriations bill before the Senate today. I commend Chairman BYRD and all the hard-working members of the Appropriations Committee for the good work they have done. It reflects many diverse needs at home and abroad at such a critical time in our Nation's history.

A proposal we will be voting on this morning—as we enter the sixth year of this war in Iraq and Afghanistan—will provide the necessary resources for our brave troops to continue their task and finish the job. It also makes clear to the Iraqi people our support for this war can no longer be open-ended. It sets practical and realistic goals for beginning the phased deployment of U.S. troops in Iraq. When our troops begin returning home and transition back to civilian life in their communities, we appropriately recognize their service in this bill by providing benefits that better reflect the sacrifices they have made for each one of us.

I appreciate the leadership exhibited by Senators WEBB and HAGEL, LAUTENBERG and WARNER, to keep the drumbeat alive and make this a priority. They have served our country honorably in past conflicts, and they understand that educating our Nation's soldiers, sailors, airmen, and marines is a cost of war.

One provision included in the GI bill will ensure that our citizen soldiers, our National Guard and Reserve serving multiple deployments abroad, will accrue additional education benefits similar to those Active-Duty troops receive when they are deployed.

I have fought for this equity because guardsmen and reservists who serve multiple tours of duty do not receive one extra penny of educational benefits for their added service because benefits are based on the single longest deployment. Passage of this bill will make that change, and it will make it possible for those Guard and Reserve to accrue their educational benefits.

Another important piece of this bill is the domestic investment it makes. There are dollars for VA polytrauma centers, rural schools, and law enforcement that need immediate attention. It also includes funding under the Adam Walsh Act to track and prosecute sex offenders and those who would do harm to our children.

In addition, this bill provides vital resources to help in recovery efforts from all kinds of disasters, from Hurricanes Katrina and Rita and other natural disasters such as the string of tornadoes and flooding that hit my State earlier this year. Arkansas has suffered a series of natural disasters this year unlike any I have seen in my lifetime. It has left 60 of our 75 counties in our State in need of Federal disaster assistance. Wave after wave of storms has rocked the residents of Arkansas and left many of them shocked by the disaster. It started on February 5, when a band of tornadoes created a path of destruction that stretched across 12 counties in Arkansas, killing 13 people and injuring 133—the deadliest storm in nearly 10 years.

A little more than a month later, heavy storms hit Arkansas once again, this time bringing rain, floods, and devastation that we have not seen the likes of in 90 years. Thirty-five Arkansas counties were declared disaster areas from that storm.

Again, on April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the February tornadoes, four twisters touched down in a five-county area, including some of the

counties suffering already from the floods. In addition, two more rounds of tornados hit the State earlier this month, bringing the total to 60 counties affected by these storms this year.

This is evidence of the disaster upon disaster that hit our State. As we look at the opportunities we have before us with supplementals, this is what we use to address those kinds of devastation.

I ask my colleagues to please support this part of the bill. These resources will help our State and other States in many other initiatives we truly need in our country.

The citizens of Arkansas and in our communities all across this Nation have suffered much at the hands of Mother Nature. We are asking our colleagues to work with us to ensure that the things we could not predict, the things we could not prepare for, could be taken care of for those brave Americans in our great State.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I certainly add my support to the very passionate appeal of my friend from Arkansas on behalf of that wonderful State. I remember very well all the difficult storms and floods that too frequently impact Arkansas. I hope our colleagues will support the request for disaster assistance.

I rise to support strongly the GI bill that has been proposed in the Senate. I thank Senator WEBB for his hard work on this bipartisan legislation, as well as Senator LAUTENBERG, Senator WARNER, and Senator HAGEL—each one a veteran who understands, deeply and personally, the importance of honoring the service and sacrifice of our men and women in uniform.

I am proud to be a cosponsor of this legislation. It is in the spirit of the original GI bill of rights to provide every American who has served honorably since September 11, 2001, on Active Duty, with real help to go to college, to earn a degree, to end his or her military service with a new beginning in civilian life.

After 36 months of Active-Duty service, a veteran's tuition and fees for any in-State public college would be fully covered. We provide a stipend for books and supplies and a housing allowance based on actual housing costs in the area. The benefit would apply fully to members of the National Guard and Reserve who have served on Active Duty, and all Active-Duty servicemembers would be entitled to a portion of the benefit based on the length of their Active-Duty service.

This is not a half measure or an empty gesture. This is a full and fair benefit to serve the men and women who serve us, and that is why this is such a key vote.

We often hear wonderful rhetoric in this Chamber in support of our troops and our veterans, but the real test is not the speeches we deliver but whether we deliver on the speeches.

There are some who oppose this benefit, arguing that our men and women in uniform have not earned it, that it is too generous. I could not disagree more strongly. This is a question of values and priorities. Each one of us will answer that question with our votes today. Let's strengthen our military by improving benefits, not restricting them.

There are those opposing this important legislation who have offered a half measure instead, designed to provide the administration with political cover instead of a benefit to our veterans. That is not leadership and it is not right. It is time we match our words with our actions. After all the speeches are done and the cameras are gone, what matters is whether we act to support our troops and our veterans—before, during, and long after deployment.

I have proposed my own GI bill of rights to build on this legislation with opportunities to secure a home mortgage, to start a small business or expand it with an affordable loan. As a member of the Senate Armed Services Committee, I am proud to support our troops and veterans, improving health care for the National Guard and reservists, providing our servicemembers with the equipment and supplies they need to improve treatment and care at our military and veterans hospitals.

The original GI bill was proposed 2½ years after the attack on Pearl Harbor and, more than a year before the war ended, President Roosevelt signed that bill into law. Eight million veterans participated, improving their skills or education. At the peak in 1947, veterans accounted for nearly half of all college admissions. That is the way we should be honoring the service of those who served us. This is our moment to provide each and every new veteran the opportunity to realize their version of the American dream—the dream they have spent their lives trying to defend.

It is time we started acting as Americans again. We are all in this together. Let's send this legislation to the President and let's serve the men and women who served us.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Louisiana has 5 minutes.

Mr. VITTER. Mr. President, I rise in strong support of that portion of the emergency funding bill we will be voting on in about 35 minutes. The reason I do so is because it is absolutely essential to deliver the help the President has committed—that the Nation has committed—to our continuing recovery in Louisiana.

First, let me begin by thanking all my colleagues and, perhaps even more importantly, the American people, the American taxpayer, for an unprecedented outpouring of support for our recovery. True, Hurricanes Katrina and Rita, a devastating one-two punch, were unprecedented disasters, the biggest natural disasters—particularly when put together—that the country has ever faced. Still, it is very significant, very important to acknowledge that the American people have also stepped to the plate and made an unprecedented response. The people of Louisiana are deeply grateful.

The provisions in this bill are an essential part of that commitment and that response. Very soon after Hurricane Katrina, I sat in Jackson Square, in the middle of the French Quarter, and heard the President deliver his live address to the Nation from Jackson Square, right in front of St. Louis Cathedral. It was a strange, eerie night because New Orleans had not yet recovered, in significant ways, from the storm. It was only a few weeks since Hurricane Katrina. The whole French Quarter was dark—no electricity. The only light, lighting a small portion of that part of the world, was from light trucks sent in so the President could speak from that historic point to the American people.

The President made a clear and a firm commitment to the full recovery of our region. I thanked him for that. I thank him for that today.

A big part of that commitment, of course, was strong, meaningful hurricane and flood protection for southeast Louisiana, building at a minimum a 100-year level of protection and building it quickly enough to sustain a storm that you might expect to see only once every 100 years.

Again, I thank the President for that commitment. I thank the American people for that commitment. But this funding in this bill passed now is absolutely essential to keep that commitment.

The Corps of Engineers itself says, if they do not have this money by October 1, they will slip from their schedule and that rebuilding and that level of protection for southeast Louisiana will not be here in the promised timeframe for the hurricane season of 2011. We cannot allow that schedule to slip. We cannot allow that solemn commitment of the President not to be fulfilled in a real and a timely manner. That is why these funds in this emergency funding bill are so essential.

I know many of my friends who have fiscal concerns, as I do in general have concerns about this bill. I would simply say with regard to these funds for our recovery, the President has asked for 95 percent of these moneys. The President himself has asked that those moneys be emergency spending. So this is hardly some Christmas tree on which we are trying to put ornaments for needs that are not there, that the President has not requested. At least 95 percent of this recovery package is what the President himself has explicitly requested and even requested be made emergency funding.

Let's follow through on that solemn commitment of the President, of the Congress, of the American people, and let's be sure to do it in a timely way so this enormously important protection

system is built in time for the hurricane season of 2011. This is very important to our recovery.

Besides levees and hurricane protection, it also addresses, in a small but important way, hospital needs, criminal justice needs, relocating businesses from the MRGO so that hurricane highway can finally be closed and we do not have a repeat of the devastation it helped cause in eastern New Orleans and St. Bernard Parish. Again, this is our opportunity to do this this year in a timely way.

I respectfully again thank all of my colleagues for their support in our recovery and ask them to support this essential step in meeting the President's commitment, meeting these needs in a timely way.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for her leadership and especially to Senator BYRD from West Virginia, the Chairman of the Senate Appropriations Committee.

What we are considering on the floor of the Senate is not normal business, this is emergency spending. President Bush has come to Congress and said: We have an emergency in Iraq. Set aside whatever you are doing and deal with this emergency. He said: I am not going to pay for this. It is such an emergency, we are going to add it to the debt of America—not the first time President Bush has come to us and asked for that. In the 5 years plus of this ongoing war, President Bush has now asked us for $660 billion to be spent on the war in Iraq and the reconstruction of that country, $660 billion this administration says is such an emergency that we do not pay for it, we are going to spend it, put it on the debt of America and leave it to our kids and grandchildren.

Well, some of us believe that, first, Iraq has a responsibility to pay its own bills; this country has a surplus. Iraq, with all of its oil, has a surplus of almost $30 billion. Why in the world are we taking billions of dollars out of our Treasury, the hard-earned paychecks of American families at a moment when we are facing a recession to send over and rebuild Iraq?

Why would not the Iraqis spend their own money from their own oil first? That is going to be part of this in a later amendment. But to put it in perspective, this President says no. He wants $180 billion for the war in Iraq. We met in the Appropriations Committee, on a bipartisan basis. We said, as important as the war in Iraq may be to the Bush administration, we believe a strong America begins at home.

If there is an emergency in Iraq, there is an emergency in America, and we need to address that emergency. No. 1, we include in this amendment the Webb GI bill. You know what happens when a Nation goes to war, when America invades a country as we did in Iraq? I can tell you. We love our soldiers when we send them to war. Our hearts go out to them and their families. We honor them while they are serving in that war, some unfortunately losing their lives and some coming back injured. We honor them with our speeches and all of our attention.

Senator WEBB, with this GI bill asks the basic question: Will you honor these soldiers when they come home? Will you make sure they have the education they need to go on with their lives or will they join the ranks of the unemployed after serving our country?

We know a GI bill works. It worked after World War II. Millions of returning veterans, women and men, had an opportunity to go to college, and America enjoyed the greatest prosperity in our modern history because we put an investment in people in our future.

JIM WEBB, with this bipartisan amendment, does exactly the same thing. I tell my friends on the Republican side of the aisle, do not tell me how much you love the soldiers if you will not stand behind them when they come home. Do not tell me how much you honor our military if you will not honor them and their families by giving them a chance at a quality education.

Voting ''no'' on this GI bill will be remembered across America not only by soldiers but by many others. And that is not all. In this bill there is $437 million for VA polytrauma centers. Do you know why we need them? Because of traumatic brain injuries, post-traumatic stress disorders, amputations. Our VA was not ready for this, all of these thousands of returning veterans with all of their problems. We put the money in to rebuild the VA so they can respond and help those veterans.

It also provides money for our communities and towns. In the city of Chicago, which I am proud to represent, we have had a painful year of gang violence. Over 20 schoolchildren have been killed outside of Chicago public schools by gang warfare.

We put money in this bill, $490 million, to give to police forces around America to fight the drug gangs, to fight the violence, to bring peace to our neighborhoods. I want peace in Baghdad, but I want peace in Chicago as well. We can spend some money on America if we can find $180 billion to spend in Iraq.

We also provide money for the Americans who are out of work. We are facing a recession. We have millions of Americans who cannot find a job. This bill provides them an extension of unemployment insurance so they can keep their families together. Is there a higher priority? Is there a higher family value?

Let me also tell you, this bill provides assistance which is essential for health care for the poorest people in America; families who are struggling to get by, many of them going to work with no health insurance whatsoever. This bill provides assistance through Medicaid and Medicare. So if you believe a strong America begins at home, if you believe we have to honor our soldiers not only when they are at war but when they return, there is only one vote that can be cast. It is a ''yes'' vote for the pending amendment.

Mr. LEVIN. Mr. President, I speak today to lend my support to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2008. S. 22 establishes a new GI bill for our servicemembers who have served after 9/11 and represents a comprehensive readjustment benefit for our brave men and women, one they richly deserve, just as members of an earlier generation benefited from a GI bill following World War II, with a huge gain for our Nation from the more educated work force and leaders that resulted.

Senators WEBB, HAGEL, and WARNER have talked at length about the virtues, and need, for this landmark legislation. I want to speak today on the impact on retention, the transferability provisions recently added, and recruiting.

Much has been said about the effect on retention this legislation may have. Some are afraid servicemembers may leave the military in unacceptable numbers in order to take advantage of these benefits.

Our need to focus on retention is clear. The military we have today is vastly different from the military we had in 1945. Since 1973 we have enjoyed the benefits of the All-Volunteer Force. Rather than drafting servicemembers, we encourage them to join. Over the past 35 years of the All-Volunteer Force, we have seen military basic pay rise significantly. As an employer, the military departments are competing with the private sector. This has led to a system of increasing benefits, bonuses, special and incentive pays. In analyzing the impact of S. 22 on retention and recruiting costs, the CBO recently estimated that the Department would have to spend $6.7 billion over the next 5 years in additional retention bonuses to maintain retention at current levels, to a large extent offset by a $5.6 billion savings in recruitment bonuses and other recruitment costs.

The challenge then is to provide a comprehensive reform of readjustment educational benefits while ensuring the continued viability of the All-Volunteer Force. These are and must be the twin goals of any legislation. I think this legislation achieves these goals.

This legislation retains and supplements retention incentives. In the first place, S. 22 retains the system of ''kickers'' in additional incentives that exists under the current GI bill. Under this program, the services may provide up to an additional $950 per month of educational benefit to retain personnel with critical military skills or to retain any individual in a critical unit. For someone who qualifies for the full

36 months of educational benefits, that comes out to an additional $34,000, a significant retention incentive. Moreover, under this program, servicemembers who serve for at least 5 consecutive years on Active Duty may receive an additional $300 per month of educational benefit. Over 36 months, that comes to over $10,000. That is also a significant retention incentive.

Our bill goes further in terms of retention. S. 22 has been amended to add a pilot program to provide transferability of education benefits. The CBO cost estimate I mentioned earlier did not consider this additional retention tool.

I have long been a supporter of the transferability of GI bill benefits. There is an old maxim in the military that while you recruit the servicemember, you retain the family. These transferability provisions provide additional incentive for servicemembers to stay on Active Duty by tying continued service to varying levels of transferability of the benefit to immediate family members, with 100 percent transferability coming after the servicemember has served 10 years. Ten years is an important milestone. Once a service member hits midcareer, the military retirement benefit, an extremely generous benefit that is collectible immediately upon hitting 20 years of service, becomes the strongest retention incentive. Getting servicemembers to midcareer is critical, and this transferability provision will help do that.

Not only does transferability help to address the retention issue, it is the right thing to do. This war has been fought not just by our brave servicemembers but by their families as well. Children may have missed one or both parents for as much as 4 years out of the past 5 or 6. That is a steep toll to pay. But by providing transferability, we can help ensure a quality education for a spouse or child of a servicemember who has served so bravely since 9/11. I believe it makes this bill stronger and addresses a concern that has been raised against its provisions.

This legislation should actually incentivize recruiting. What better promise can we make to a recruit or his parents than the promise that we will provide a more fully funded college education after fulfillment of the Active Duty commitment? Many in this body have raised the issue of recruiting—whether the Army in particular is granting too many waivers in order to meet recruiting goals. This legislation will help significantly in this regard. You have to recruit people before you can retain them, and this legislation will help recruiting, I believe significantly, over time. Recruiting young men and women into the military is more than half the battle; I have faith the services can retain the servicemembers they need, and Congress stands ready to provide additional authority if necessary.

Regarding recruiting, I want to make another point that I do not believe has been raised, and that is on the subject of the ''influencers.'' As many in this body know, support for military service among the influencers, including coaches, teachers, and school counselors, of the 17- and 18-year-olds who are our prime recruiting-age demographic, is critically important. Aside from the immediate benefits of this legislation, my hope is that over time military service becomes in the minds of these influencers synonymous with a free, quality college education. After you serve us, we will serve you. We will pay for your college education.

What better way to influence the influencers than this? As we know, the costs of education continue to soar. In these difficult economic times, paying for a college education is at the top of many parents' list of worries, a list that is already too long. We have read the stories of returning veterans having to work at night so that they can attend school during the day—even with their current GI bill benefits. I believe this bill will go a long way to increasing the support for military service among that critical segment of society, the people who influence our youth's choice of career.

Finally, this readjustment benefit is an investment in our future as a nation. Indeed, seven members of this body were educated on the post-World War II GI bill. As an editorial from last week's LA Times observed:

> College is the essential ticket to upward mobility, and who more deserves a chance at that than the young men and women who volunteered for military service in wartime? The post-World War II experience shows that educating them is good public policy. . . . First, it would boost military morale and the quality of recruits—even though the military worries that it could hurt retention. Second, the investment in education is likely to pay for itself many times over as veterans join the workforce at higher pay rates.

The brave men and women of our Armed Forces today will produce many future leaders of this Nation, and we owe them and their families this comprehensive readjustment educational benefit.

I am proud to cosponsor this landmark legislation, and I urge my Senate colleagues to pass it expeditiously. We must do everything possible to assist our servicemembers, and their families, in the transition back into civilian life, to provide the tools that allow them to thrive and prosper in their postservice lives, and to become the next generation of leaders that this Nation needs them to be.

I thank Senator WEBB for his dogged pursuit of this legislation from his very first days in office. It will help our servicemembers and their families for generations to come.

Mr. AKAKA. Mr. President, the junior Senator from Virginia and I have worked together closely on his proposal for a new GI bill since he introduced it in January 2007. I was delighted to be able to join him as a cosponsor of S. 22. I deeply appreciate his very strong—and very personal—commitment to it.

Now it is time to give those young service members who are stepping forward voluntarily—putting themselves in harm's way—an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. Mr. President, the time has come for a new GI bill for the 21st century. I believe that it should be promptly signed into law.

Sadly, despite the fact that it has passed this body by a veto-proof majority, President Bush, who sent our troops into war and is again requesting billions of dollars to pay for it, has threatened to veto this measure.

Today, I extend my personal pledge to Senator WEBB and all who support a revitalized GI bill. If bill is vetoed and Congress fails to override the veto, I will bring Senator WEBB's New GI bill before the Veterans' Affairs Committee during our markup next month and urge that the Committee favorably report it to the Senate. It is time to give those young service members, stepping forward voluntarily and putting themselves in harm's way, an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. I am committed to seeing this legislation become law.

Mr. COBURN. Mr. President, Medicare and Medicaid cost the American taxpayers a combined $770 billion in 2007; Medicare costing $432 billion and Medicaid $338 billion. In 2007, the Federal Government's share of Medicaid expenditures was $190 billion and is expected to be $402 billion by 2017.

Medicare expenditures alone account for 3.2 percent of GDP. Over the next 75 years these expenditures are expected to explode to almost 11 percent of GDP. Every American household's share of Medicare's unfunded obligation is like a $320,000 IOU.

The Medicaid Program, because of the promise of a generous Federal match of State Medicaid dollars, has given States heavy incentive to increase their State Medicaid spending. Medicaid spending now accounts for 26.3 percent of state budgets, up from just 6.7 percent in 1970. In some States, as much as half of all new revenues will go to Medicaid in the coming years.

We have heard a lot of talk about bipartisan commissions on entitlement reform come out of the Budget Committee, but the least that we can do is to stop blatant fraud and abuse in the mean time. Eliminating waste, fraud, and abuse is a baby step in addressing entitlements. The Centers for Medicare and Medicaid Services, CMS, has worked over the last 5 or so years to curb waste, fraud, and abuse. They have done work on a State-specific basis and also by promulgating detailed regulations so that States have the clarity they need. Over the years, Medicaid has proven to be a program susceptible to fraud, waste, and abuse. Many States have pushed the limits of what should be allowed to maximize the Federal dollars sent to them.

The Government Accountability Office, GAO, put Medicaid on its ''high risk'' report a few years back because of questionable financing and the lack of accountability.

According to the Wall Street Journal:

The GAO and other federal inspectors have copiously documented these ''creative financing schemes'' going back to the Clinton Administration. New York deposited its proceeds in a Medicaid account, recycling federal dollars to decrease its overall contribution. So did Michigan. States like Wisconsin and Pennsylvania fattened their political priorities. Oregon funded K–12 education during a budget shortfall.

According to the Wall Street Journal:

The right word for this is fraud. A corporation caught in this kind of self-dealing—faking payments to extract billions, then laundering the money—would be indicted. In fact, a new industry of contingency-fee consultants has sprung up to help states find and exploit the ''ambiguities'' in Medicaid's regulatory wasteland. All the feds can do is notice loopholes when they get too expensive and close them, whereupon the cycle starts over. No one really knows how much the state grifters have already grabbed, though the Congressional Budget Office estimates that the Administration remedies would save $17.8 billion over five years and $42.2 billion over 10. We realize this is considered a mere gratuity in Washington, but Medicaid's money laundering is further evidence that Congress isn't serious about spending discipline.

Examples of fraud in the Medicaid Program are plentiful. One dentist billed medicaid 991 procedures in a single day. According to the New York Times, a former State investigator of Medicaid abuse estimated that as much as 40 percent $18 billion of New York's Medicaid budget was inappropriate. New York spent $300 million of its Medicaid money on transportation.

In 2005, Congressional testimony showed that 34 States hired contingency-fee consultants to game Federal Medicaid payments.

Medicaid regulations by CMS are efforts to provide clear guidance in critical areas where there have been well-documented problems and result from years of work on the part of CMS and myriad reports by the GAO and the Office of the Inspector General, OIG, at the Department of Health and Human Services, HHS.

When CMS doesn't know how a State is billing for a service and States don't have clear guidance for how they should, neither Medicaid beneficiaries nor the taxpayers are well served. The Medicaid regulations fix that problem.

According to the Congressional Budget Office, CBO, the regulations would save the Medicaid Program $17.8 billion over 5 years and $42.2 billion over 10 years by eliminating wasteful and fraudulent Federal payments to the program.

The Federal Government will spend $1.2 trillion over the next 5 years on Medicaid, so the regulations save only about 1 percent of Federal spending on Medicaid. If Congress is afraid of taking on these very modest changes to Medicaid, does it really have the will to take on the special interests that is necessary to truly address entitlement reform?

The very purpose of these regulations is to build accountability into the Medicaid Program that is long overdue. The proposed delay is a budgetary gimmick to avoid paying for the real costs of delaying the Medicaid regulations.

CBO estimates that delaying the rules until April 1, 2009 would cost $1.65 billion. However, if the rules were withdrawn or permanently delayed—as it is likely they would be under the next administration—the CBO estimates a 5-year year cost of $17.8 billion and a 10-year cost of $42.2 billion. Even if the regulations should be delayed, a war supplemental is the wrong place to include Medicaid policy changes. The war supplemental is given expedited consideration procedures because funding our troops is an urgent matter. The Medicaid regulations have been considered for years, and Congress has already put one 6-month delay on them. This isn't a new or urgent issue that justifies inclusion in a war supplemental.

If ensuring that America's safety net programs are adequately funded is such an important issue, it deserves the full debate and consideration of the Senate. Burying a flat-out moratorium of Medicaid regulations on a war supplemental appropriations bill isn't being honest with the American people. Congressional leaders put a moratorium on the Medicaid regulations last year and are poised to do so again. If Congress truly opposes the regulations, then it should repeal them instead of pretending to ''study them'' a little longer. However, Congress is avoiding that kind of honesty because it will cost ten times the amount of a moratorium.

Instead of blaming the Bush administration, Congress needs to decide for itself how it will address waste, fraud, and abuse in the Medicaid Program. The Bush Administration has taken its turn and taken a stand to protect the integrity of one of our largest entitlement programs. Now it is Congress's turn.

This is no longer about the Bush administration. This is now about Congress. Congress needs to decide whether or not it will ignore years of GAO and HHS OIG reports. Congress needs to decide whether it will listen to their State Medicaid directors and Governors or whether it will safeguard taxpayer dollars.

States have had their turn and demonstrated that they will take advantage of loopholes, ambiguities, and lack of clarity. Congress is the one ultimately responsible for these programs. Congress is elected to set policy and fund priorities.

By imposing another moratorium, Congress is failing to live up to its responsibilities. Congress is running away from them. Congress has closed its eyes and ears to the abuses that have been going on. By stopping the regulations from going into effect, Congress is simply giving more sugar to a diabetic. It may feel good for a moment, but it is not good in the long run. Congress doesn't really need another year to deal with these issues. These abuses have been going on for a long time. The GAO and the OIG have been issuing audits and reports on the abuses for years.

Problems with the regulations themselves warrant a conversation not a moratorium. There have been very few substantive policy disagreements with the administration's regulations. The Finance Committee hasn't engaged the administration on specific problems with the regulations. There have been no hearings over the last 6-month delay. The only ''hearing'' that has occurred is the parade of Governors and providers pleading to not turn off the funding.

The rule to impose a cost limit on government providers—CMS–2258—is commonsense and good government. The cost rule saves $9 billion over five years and $22 billion over 10 years by ending creative State financing schemes. First, it requires that providers, like hospitals and nursing homes and physicians, receive and retain the total computable amount of their Medicaid payments for the services they provided. Why would Congress object to that? It seems simple that if you provided a service, you should get to keep the money.

During the 1990s, States figured out creative ways to pass off their obligations to providers. That was wrong and unfair. Each time Congress stopped one financing practice, a new financing scheme popped up.

In 1991, Congress cracked down on loopholes in provider taxes. States opened up new loopholes. In 1997, Congress cracked down on abuses in the disproportionate share hospital, DSH, payments program. In 2000, it tried to stop the abuses in upper payment limits, though it failed to close them completely.

In 2003, the Bush administration put new emphasis on ending these schemes through the State plan amendment review process. This strategy proved to be effective and many States ended their ''recycling'' arrangements. But some States complained to Congress.

In July 2004, Senator BAUCUS wrote the Administrator of CMS:

As you know, and as I indicated to you in those conversations, I feel strongly that any new CMS policy on intergovernmental transfers (IGTs) must be implemented in a manner that is transparent, that is applied equally to all states, and that responsibly takes into account the potentially serious financial consequences of eliminating a source of state funding on which some states have a longstanding reliance. Based on my understanding of current law and practice, with respect to IGTs, and on my interest in promoting public confidence in government decision-making judgment that a rulemaking or legislative process is warranted in these circumstances. Accordingly, I urge you to develop rules or a legislative proposal as soon as possible on this issue.

The current chairman of the Finance Committee requested Medicaid regulations nearly 4 years ago. The administration has responded to that request by promulgating regulations. As soon as the regulations left the desk of the CMS Administrator, Congress blocked them from going into effect LAST year. What has Congress done since then in the way of hearings or conversations with CMS? Nothing. What is Congress doing now? Trying to delay them again.

Chairman BAUCUS is right about treating States equally; Congress needs to let CMS do so. It is ironic that hospitals are telling Members to stop the Medicaid rules. The policy of the cost rule is that providers should get to keep the full amount of Medicaid reimbursement paid for the services they deliver. Why should hospitals or other types of providers be forced to send part of their payment for services back to the State or local government? It is not their responsibility to fund the State's share of the cost of Medicaid. That is the responsibility of the State and local governments.

Another major part of the cost rule seeks to limit government providers to cost. This has been a recommendation of GAO dating back to 1994. Under this provision, government providers would receive 100 percent of their costs for delivering services to a Medicaid recipient. But they would be limited to cost, they simply could not charge a ''profit'' to the Federal taxpayers.

A government entity shouldn't bill the taxpayer for more than the cost of delivering a service. That is nothing more than Medicaid subsidizing non-Medicaid activities. If State and local officials decide not to fund a program, that doesn't mean the Federal taxpayer should pick up the tab.

Congress may have heard pressure from their States about how the cost rule will ''shred the safety net.'' If Congress really cared about hospitals, shouldn't Congress be supporting the policy that they get paid in full? When this type of policy was put in place in California, revenues to hospitals increased by 12 percent.

If Congress really cared about providers, there are other tax-relief policies that would be helpful to them. Provider taxes on hospitals, nursing homes, and others totaled $12 billion in 2007.

The estimated savings for the cost rule for 2008 and part of 2009 is about $770 million. If you accept the argument that all providers in the entire country will ''lose'' $770 million if the cost rule goes into effect, consider that the hospitals in New York alone paid $2 billion in provider taxes. The hospitals in Illinois paid $747 million in provider taxes. If Congress really cared about them, what about a little tax relief instead?

The real story is that States are using creative ''provider taxes'' to forego paying their share of the Medicaid Program. A few years back, Congress gave a special deal to Illinois supposedly to support the Cook County Hospital system worth about $350 million per year. The hospital is forfeiting more than $300 million in order to generate supplemental payments back to the State for this.

If you add provider taxes and what Cook County Hospital is forfeiting, it totals a billion dollars per year impact on Hospitals in Illinois. Instead of addressing that blatant example of taxpayer money abuse, these rules are an easier target.

Senator BAUCUS is right that the States should be treated equally. The Senate should instruct the Finance Committee to identify all of the special treatment situations and report legislation to get rid of them.

The school-based administrative costs and transportation rule—CMS–2287—ensures that Medicaid money goes for medical care—not school buses. First, those individuals and groups who have been scaring parents of a child with a disability that this rule will end their child's treatment need to hear the truth about what this rule does. Schools are required to provide such services and if a child is on Medicaid, Medicaid will continue to pay for medically necessary services. This rule ensures that Medicaid pays only for medical and medically necessary services. Medicaid administrative claiming among schools varies widely among States. There are many States that do not bill Medicaid for administrative activities at all. Much of the funding is concentrated in a small group of States.

Abuses in administrative claiming have been well documented. Comments on the rule confirm that schools are simply using Medicaid as a source of revenue to support activities that are related to education, not health care.

Medicaid reimbursement has been used for a wide variety of unrelated purposes such as instructional materials and equipment or to fund staff positions. Schools use funds to attend workshops and purchase educational technology and materials, even to support after school activities, arts and music programs.

There is no problem with those types of programs, but there is a problem when Medicaid is paying for them. If citizens at the local level decline to raise their property taxes for education, that doesn't mean that Federal taxpayers should have to pick up the tab. If State legislators increase funding for transportation rather than education, Medicaid shouldn't be the means of easing the impact of their decision.

Allowing schools access to open-ended funding of Medicaid with virtually no accountability will erode the decision making process of every school board, State legislature as well as the Federal Government.

Another rule—(CMS–2279) would stop the use of Medicaid dollars—intended for low-income people—going to fund training for doctors.

There is no question that training the next generation of physicians in this country is important. However, it should be paid for out in the open. There needs to be accountability as to where the dollars go and for whom they are used.

Under Medicaid's graduate medical education, GME, funding, there is no obligation on the part of physicians who are trained with Medicaid dollars to serve Medicaid patients once the physicians graduate. In contrast both the military and the public health service corps require time commitments as repayments for help with medical school.

There is no authority in the Medicaid statute to pay for GME. It is not there. Congress and CMS don't even know the exact fiscal impact of this rule because states are not required to report expenditures as GME.

If Congress wants to fund a training program for doctors serving poor people, it should be done out in the open with real program accountability.

I understand concerns that CMS shouldn't just abruptly end the Medicaid GME program without a transition plan in place, but at the same time the Administration is right in questioning how this money is spent. If we are going to fund residency training, we should do it right and out in the open.

The Targeted Case Management—CMS–2237—rule targets scarce Medicaid dollars. In the Deficit Reduction Act of 2005, Congress appropriately acted to end state abuses. The rule promulgated by CMS is designed to be person-centered, comprehensive, and demand accountability.

CMS has been accused of overstepping its authority because it is applying the criteria across the board however case management is delivered. In other words, states cannot get around the rules by hiding under administrative claiming rather than actual services. And that applies to home and community based service waivers as well as State plan amendments. So the complaint is really this—CMS did not leave any loopholes open.

There are generally three provisions that have drawn the most complaints about this rule. First, there is a complaint about charging Medicaid only for a single case manager. The message of this requirement is simple and sensible—if you are the case manager for a person with mental illness, you should be capable and qualified to deal with all sorts of issues like housing and employment as well as health care needs. Why should Medicaid pay for four or five different case managers? Case management by qualified professionals should lead to better outcomes for the individual and lower costs in the long run. If one case manager is too few, then let the Finance Committee figure out if it should be two or three or four. We don't need a 1-year moratorium to figure that out. This provision does not take effect for another year—without

the moratorium—so there is no immediate impact on states. They have plenty of time to come into compliance.

The second complaint is based on another accountability provision—billing in 15-minute increments. This will help ensure that rates are appropriately set and that there is an audit trail. If 15 minutes isn't appropriate, then we can change the time allotment. We don't need an all-out moratorium on the rule to figure that out.

The third common complaint is about limiting the period of time for which case managers can bill for transitioning an individual from an institution into the community. The rule provides that the transition period is the last 60 days of an institutional stay that is 180 days or longer. If 60 days is too short, then let us have the Finance Committee tell us what the right number is.

The targeted case management rule was published December 4, 2007, nearly 6 months ago. That certainly is plenty of time for the committee to tell us how these three policies in this rule should be different. Delaying and delaying through a series of moratoriums only succeeds in throwing taxpayer dollars out the window.

This rule is intended to fix another example of how States had incentives to transfer their obligations to the Medicaid Program's funding stream. States used Medicaid case management to fund their foster care systems, juvenile justice programs, and adult protective services.

The State of Washington had used Medicaid to fund non-Medicaid activities. The State legislature has now done the right thing and appropriated $17 million to replace the reduced Medicaid funding after the TCM regulation was published. If the State legislators in Washington can live up to their obligations, why should we not expect that of the other States?

Medicaid has become well known as the budget filler for States. If funding was short, find someway to call it Medicaid and State costs will be cut at least in half.

This is a dangerous path. If Medicaid keeps picking up the tab for schools or foster care or the correctional system, then we are simply inviting even larger raids on the Federal Treasury in the future.

A provision that will prevent health coverage for low-income children doesn't belong in a bill to provide funding for American troops. Hidden in a bill intended to provide funding for our troops at war is an unrelated provision that would have the effect of denying health care to low-income children. The provision would impose a moratorium on a CMS directive which requires that States cover low- income children before expanding their State Children's Health Insurance Programs SCHIP to higher income levels. This commonsense initiative, implemented in an August 17 letter from CMS to State health officials, ensures that children's health resources are targeted towards those children and families who need help the most. The result of the moratorium will be that States will be able to ignore the needs of low-income children and instead direct resources to families with higher incomes who are more likely to have existing health insurance coverage.

SCHIP should focus on low-income children first. SCHIP was designed to cover low-income children between 100–200 percent FPL. Even though studies have shown that a significant number of children below these income levels remain uninsured, States have tried to expand coverage to higher income levels without first taking steps to make sure that they have covered as many low-income children as possible. Health coverage of low-income children must remain the number one goal of SCHIP.

The CMS August 17 letter implemented reasonable steps to ensure that States focus on low-income children before expanding their program. The letter explains the steps that States must take to ensure that their SCHIP programs cover low-income children before expanding to higher income levels. The letter only applies to those States that wish to expand their SCHIP programs above 250 percent of the federal poverty level (FPL). CBO reported that fewer than 20 states offer coverage above this income threshold. Additional, on May 7 CMS issued a letter clarifying the August 17 letter and specifying that current enrollees would not be impacted and that the agency would work with States to show they are meeting the requirements.

CBO showed that covering families at higher income levels is an inefficient use of taxpayer dollars. The CBO has repeatedly stated its views that expanding SCHIP to families at higher income levels will result in a ''crowd-out'' rate of up to 50 percent. That is, for every 100 children who gain coverage as a result of SCHIP, there is a corresponding reduction in private coverage of up to 50 children. The CBO estimates that 77 percent of children living in families with incomes between 200 and 300 percent of the FPL have private coverage, as do 89 percent of children in families with incomes between 300 and 400 percent of FPL.

It is wrong to take away seniors' choices in hospitals, and it is wrong to do that on a war supplemental so it can't be debated out in the open. Americans enjoy the highest per capita GDP among large nations mainly because we have the highest rate of productivity gains. The hospital sector sorely needs productivity-enhancing innovations like specialty hospitals.

U.S. health care costs are the world's highest at 16 percent of GDP, creating major problems for Americans and their employers. For example, General Motors' financial woes are exacerbated by $1,500 of health care costs per car, which exceeds their cost of steel.

Hospitals are the largest component of our health care costs, accounting for over one-third of our $2.2 trillion health care system. They are also the major reason for the growth in costs. According to a recent article in Forbes Magazine, 1 in 200 patients who spend a night or more in a hospital will die from medical error. The same article continues:

> 1 in 16 will pick up an infection. Deaths from preventable hospital infections each year exceed 100,000, more than those from AIDS, breast cancer and auto accidents combined.

Specialty hospitals have consistently offered high-quality health care with high-quality outcomes. Risk-adjusted 30–day mortality rates were significantly lower for specialty hospitals than for community hospitals, according to a 2006 Health Affairs article.

There are 200 specialty hospitals in the U.S. out of the 6,000 hospitals overall, often delivering better, safer services at lower costs.

According to a recent University of Iowa study, Medicare patients who receive hip or knee replacement at specialty orthopedic hospitals have a 40 percent lower risk of complications after surgery—(bleeding, infections, or death) compared to Medicare patients at general hospitals. A 2006 study funded by Medicare found that patients of all types are four times as likely to die in a full-service hospital after orthopedic surgery as they would after the same procedure in a specialty hospital.

McBride Clinic in Oklahoma City is Oklahoma's best hospital for overall orthopedic services, according to the Tenth Annual HealthGrades Hospital Quality in America Study released last month. McBride has 5–star ratings in joint replacement, total knee replacement, hip fracture repair, spine surgery, and back and neck surgery. The hospital received HealthGrades' 2008 Orthopedic Surgery Excellence Award, and is the only Oklahoma hospital among the top five percent in the Nation for overall orthopedic services.

When it comes to specialization, the question is not whether to specialize, but rather how to do it. Everyone agrees that the health care system should provide focused, integrated care—especially for the victims of chronic diseases and disability who account for 80 percent of costs. For example, Duke Medical Center tried an integrated, supportive program for congestive heart failure. The approach resulted in better patient outcomes, increased patient compliance with their doctors' recommendations, and a 32 percent drop in costs per patient. Hospital admissions and lengths of stay dropped and visits to cardiologists increased nearly sixfold.

Some contend that physicians who invest in specialty hospitals have a conflict of interest that may lead to overutilization. But a recent study published in Health Affairs found that most physicians refer patients to specialty hospitals for reasons totally unrelated to profits.

The Medicare Payment Advisory Commission, MedPAC, has also found no evidence that overall utilization rates in communities with specialty hospitals rise more rapidly than the

utilization rates in other communities. MedPAC and the Centers for Medicare and Medicaid Services, CMS, have found no evidence that physicians who have an ownership interest in a specialty hospital inappropriately refer patients to that hospital or have increased utilization.

The connection between corporate ownership and performance is a bulwark of our economy. Adam Smith argued in 1776:

> The directors of . . . [joint-stock] companies, . . . being the managers rather of other people's money than of their own, it cannot well be expected, that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own. Negligence and profusion, therefore, must always prevail . . .

One CEO of an orthopedic surgery practice said:

> Orthopedists . . . in a hospital . . . work in the same operating room [as] general surgery and obstetrics. Orthopedics is nuts-and-bolts equipment intensive. It drives them crazy to have a staff that's not familiar with a tray of multi-size screws and nuts and bolts.

Some object to specialty hospitals by arguing that they only select the most profitable cases in their area and leave the other hospitals with less profitable services—burn units, trauma centers, et cetera. MedPAC has recommended changing the payments for all acute care hospitals to reduce the incentives in the overall inpatient payment system that some believe fueled the growth of specialty hospitals. Based on those MedPAC recommendations, CMS has just implemented major In-patient Prospective Payment System reforms.

There is also an abundance of evidence that community hospitals are making record profits. A recent news article reported:

> Profits for U.S. general acute-care hospitals hit a record high of $35.2 billion in 2006—a one-year jump of more than 20%—on net revenue of $587.1 billion for a margin of 6%.

We should resist efforts to bind our health care system in regulatory straightjackets. Both the hospitals' and economy's problems could be solved if we allow the market, rather than insurance bureaucrats, to set prices.

If the Members of the Senate really believe that specialty hospitals are harmful, then there shouldn't be earmarks protecting the specialty hospitals in home States of certain members of the Appropriations Committee.

According to a recent Congressional Quarterly, CQ, article, during the committee process, four Democrats on the Senate Appropriations Committee made language changes to the underlying ban on new growth of physician-owned hospitals that happen to protect the specialty hospitals that are located in their home States.

According to CQ:

> A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in [their state]: Wenatchee Valley Medical Center. A loosening of the grandfather clause will allow the Wenatchee's physician-owners to maintain their 100 percent stake in the hospital, as opposed to being forced to sell part of it.

According to CQ, spokesmen for [two other Appropriations members] confirmed their Senators' roles in getting the language changes.

One Senator's spokesman claimed:

> We were concerned that forced divestiture would cripple the marketplace.

In Michigan, the home State of another appropriator, physician-owned Aurora BayCare Medical Center would benefit from the looser rules passed by the Appropriations Committee.

If Congress really believes specialty hospitals are harmful, why are they not harmful in the home States of four appropriators?

The Congressional Budget Office needs to get its story straight on the budgetary impact of killing specialty hospitals.

Congress has heard from the hospital association groups about the potential cost savings from eliminating the potential for new specialty hospitals. That argument is untenable when the Congressional Budget Office can't even get their story right on the budget impact. If 3 years ago, eliminating specialty hospitals barely saved anything how can it save billions of dollars today?

During the drafting of the Deficit Reduction Act of 2005, the Senate reconciliation bill contained a similar provision to curtail specialty hospitals. At that time, the Congressional Budget Office, CBO, projected less than minimal savings to the Medicare Program resulting from that provision.

Subsequently, CBO scored a similar provision in the Children's Health and Medicare Protection Act of 2007. This time they changed their story and projected Medicare savings of $700 million over 5 years and $2.9 billion over 10 years, with the bulk of the projected savings attributed to the assumption that Medicare spends more for outpatient services for patients treated in physician-owned hospitals.

In December of 2007, CBO changed its story again and attributed the savings from restricting specialty hospitals to a presumed shift of services to ambulatory surgical centers, admitting that the use of fewer outpatient services accounts for only a small portion of the estimated savings.

This bill has troops fighting to keep birth control prices low for Ivy League students and profits high for Planned Parenthood clinics and drug companies.

Congressional leaders are using the war supplemental appropriations bill to expand preferential governmental drug pricing policies to university based clinics and more Planned Parenthood clinics than currently allowed under the Medicaid statute and regulations.

To have their products available in the Medicaid Program, drug manufacturers must pay rebates to the Federal Government and States. The rebates are calculated as the difference between the manufacturer's average price and the ''best price''—lowest—at which their drugs are sold.

A tiny provision tucked away in a war supplemental will allow drug manufacturers to avoid counting these deeply discounted drugs sold to certain types of clinics when calculating how much they will owe the Medicaid Program in rebates, thereby protecting their profits. If the provision becomes law, the clinics could receive cheaper drugs—like RU-486 and birth control—from manufacturers which they can sell to their customers at a higher price, thereby making a profit.

Manufacturers previously offered high volume clinics the discounts as a marketing tool to attract long-term loyal customers so long as they could avoid the Medicaid rebate. Taxpayers were in effect subsidizing these clinics by forfeiting Medicaid rebates. In the Deficit Reduction Act of 2005, DRA, Congress limited the types of health care clinics that can benefit from this special arrangement, providing the preferential treatment only to certain safety net clinics. Not convinced by arguments that college campus health clinics are serving ''vulnerable populations,'' the Bush administration refused to add them and additional Planned Parenthood clinics to the list of providers designated by Congress.

The Deficit Reduction Act didn't prevent drug manufacturers from selling their products at lower acquisition costs to any health clinic regardless of the DRA. They would not, however, be able to avoid counting those discounts when paying States and the Federal Government their respective Medicaid rebates. Auditors in California found two Planned Parenthoods had overbilled the Medicaid Program in excess of $5 million based on the difference between their customary fees and acquisition costs. This suggests that restoring these subsidies nationwide is likely worth hundreds of millions of dollars over just a few years.

The current congressional leadership's usual approach towards drug companies is to get higher rebates from them. However, that's not the case when it comes to forfeiting rebates for the Medicaid Program in order to make certain frat boys and sorority sisters get cheap drugs—including birth control—and the clinics that provide them get bigger profits.

Instead of debating the merits of such a policy change in the open, the leaders in Congress are using funding for our troops to slip this through.

Mr. LAUTENBERG. Mr. President, I wish to speak in favor of the amendment to the supplemental that focuses on our domestic priorities, which is the first amendment we will be voting on this morning. I encourage my colleagues to vote in support of this important package.

While President Bush is fixated on trying to get his next check for the Iraq war, we on the Senate Appropriations Committee under the leadership

of Chairman BYRD have brought to the floor important priorities for Americans here at home.

As our economy continues to struggle, more and more Americans find themselves without work and having trouble paying their bills. In April, the unemployment rate in New Jersey was 5 percent. That is up from 4.8 percent in March of this year and 4.3 percent in April of 2007. Not only are more people out of work, but they are staying unemployed for longer periods of time as they search for new jobs. These unemployed Americans are facing the prospect of losing their homes and fighting to afford the rising costs of food, gasoline, and health care. They need our help, which is why in this amendment we extend unemployment benefits by 13 weeks in all States and an additional 13 weeks in States with the highest unemployment rates. This is the right thing to do, and we must do it now.

This amendment also includes a provision that I successfully offered in the Senate Appropriations Committee markup last week to delay a Bush administration policy that threatens the health care of hundreds of thousands of children across the country, including 10,000 in New Jersey. Last year, I supported and the Senate passed, an expansion of the Children's Health Insurance Program that would have provided health insurance for an additional 4 million children nationwide. President Bush irresponsibly vetoed that bill twice—and then made matters worse by issuing a new policy that will actually take away health care from children who have it today. This is not only misguided—both the Government Accountability Office and the Congressional Research Service found that it violated Federal law. During these tough economic times, the last thing we should be doing is taking away health care from our children. My provision in this amendment would delay this policy until April 1, 2009.

As our veterans return home from overseas, we must show our gratitude for their service by improving educational benefits to help them afford to go to college. Our veterans are finding that the current G.I. bill has simply not kept up with the rising costs of college, and they are forced to either forego college entirely or face mounting debt to get a degree. The amendment now on the floor includes a provision based on the Webb-Hagel-Lautenberg-Warner legislation which closes the gap between the current G.I. bill and the costs of college by paying for tuition, books and housing at the most expensive public institution in the veteran's State. This update of the G.I. bill deserves our strong support.

The domestic package before us also includes $10 million to conduct oversight of American taxpayer dollars spent in Afghanistan. Our work in Afghanistan is critical to our national security and our fight against terrorism. But right now, we know too little about how billions of U.S. dollars in reconstruction and assistance funding are spent in Afghanistan and whether there is any waste, fraud, and abuse of these funds. In January of this year, President Bush signed into law my legislation to establish a Special Inspector General for Afghanistan Reconstruction, SIGAR, to root out waste, fraud, and abuse of taxpayer money in Afghanistan. The SIGAR funding we would provide today would bring us one step closer to better oversight and accountability, and to the beginning of SIGAR's work to uncover information about any corruption and mismanagement of U.S. assistance to Afghanistan.

Finally, we must help our States and local communities recover from and prepare for natural disasters, including floods. This amendment includes more than $8 billion for the Army Corps of Engineers to address the damage caused by Hurricanes Katrina and Rita and other recent natural disasters. We have had our eyes opened to the massive devastation that can occur when we neglect our Nation's flood control infrastructure. In addition to gulf coast recovery, I am pleased that this amendment will also provide funding for emergency infrastructure needs in other areas, including my home State of New Jersey.

The Senate has an opportunity with this vote to honor our responsibility to our returning veterans and all those who are struggling in our country today. I implore my colleagues on the other side of the aisle to join us in supporting this critical amendment.

Mr. HATCH. Mr. President, I rise today to address the impasse—the completely avoidable impasse—that we face with regard to the Emergency Supplemental Appropriations bill, which, if I'm not mistaken, is intended to provide much-needed funds and resources for our troops serving in Iraq and Afghanistan. You'll have to pardon my confusion because, looking over the substance of the bill in front of us, it is difficult to determine exactly what purpose it is meant to serve.

There has been in this and in virtually every recent election year a sensitivity among those on the other side of the aisle whenever anyone questions their support for our Nation's military and their commitment to national security. Indeed, it seems that any time these issues are mentioned, whether it is by the President, those of us in Congress, or by candidates running for office, Republicans are accused of ''questioning their patriotism'' or engaging in the ''politics of fear.''

Certainly, I don't believe that we should question the patriotism of those in the Senate majority. I believe that every one of them loves their country and that there is no one in this chamber who does not honor and respect our nation's military. However, while the majority's patriotism should not be subject to question, their judgment on these issues is fair game.

Frankly, after the recent FISA debacle and now the absurd course being taken on this emergency supplemental, I believe that the Democrats in Congress have given all of us reason to question their judgment.

As I stated, the purpose of this bill is to provide much-needed funding for our troops in harms way. However, it appears that the Democrats see this—not as an opportunity to support our military, but as a vehicle for unrelated, nonemergency funding for a number of their pet programs. In this time when the American people are clamoring for more fiscal discipline in Congress, the majority has decided to tack onto a war supplemental billions of dollars in domestic spending, none of which was requested by the President and all of which is unrelated to supporting the troops.

For example, the bill includes $1.2 billion for a science initiative, $1 billion for government-funded energy assistance, nearly half a billion each for transportation projects and wildfires, and $200 million for the U.S. census—an event that has taken place every 10 years since 1790. They have also added more than $60 billion in mandatory spending relating to unemployment insurance extensions—in a time of very low unemployment, no less—and veterans education benefits.

Now, I am sure that many of these are worthwhile endeavors deserving of the Senate's time and attention. However, they can and should all be debated separately and should not be tied to funding for the troops.

Given these efforts to add such a large number of unrelated and nonemergency provisions, is it really unreasonable for the American people to conclude that supporting the troops is not the majority's highest priority?

Certainly, they'll want all of us to believe otherwise. In fact, I am fairly sure that there is a Democrat somewhere watching me give this speech preparing a response that accuses me of practicing the ''politics of fear.''

But when Members of the Senate majority flatly refuse to provide resources for the troops without unrelated spending, what other conclusion is there for the rest of us to draw?

It gets worse. I wish that the added funding was the worst thing about this bill. Unfortunately, it is the least of our worries.

In addition to the nonemergency spending, the Democrats have once again attempted to use a bill that funds our troops as an opportunity to play armchair quarterback with the conduct of the war.

The majority knows that the inclusion of this provision guarantees that the President will veto the bill. One also has to assume that they know that they do not have the votes to override such a veto. Yet, once again, we are about to send to the President a bill that conditions our support for the troops on his agreement to supplant the judgment of his military commanders with the political whims of the Senate majority.

This comes at a time when even the most strident opponents of the war have begun to acknowledge our military's successes on the ground in Iraq. Even worse, it comes at a time when our men and women in uniform are in desperate need of additional funding.

As we have heard, on May 5, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, indicated that it was essential that funds be approved before the Memorial Day recess, which begins in less than 2 days. In his words, the military will ''stop paying soldiers on June 15 '' meaning that they have ''precious little flexibility'' with respect to the funds.

The majority leader, in his own words, believes that not finishing the bill before the recess is ''no big deal.'' Indeed, he admits that sending the bill in its current form to the President guarantees that we will go to recess without having funded the troops. Instead of heeding the warnings of our military leaders, the majority would apparently rather subject emergency military funds to yet another partisan debate and even more election-year political wrangling.

I understand that many in the majority have come to oppose this war. I, for one, do not oppose an honest, straightforward debate about our policies in Iraq and the war on terror. However, that is simply not what is going on here today. This is not a serious debate about our future in Iraq; it is a needless political maneuver aimed at appeasing the more radical elements of the Democrats' political base.

Once again, I can't help but wonder about the majority party's priorities when its members purposefully and dangerously delay funding for our troops in order to make a political statement. As I stated, I will not question their patriotism, but I will continue to question their judgment. Given what has been displayed here, I believe the American people will as well.

Mr. CARPER. Mr. President, I have come to the floor to speak about Senator WEBB and Senator HAGEL's new GI bill.

Mr. President, one of the smartest things Congress has ever done is pass the GI bill for World War II veterans.

Several of the Members of the Senate—including me—would not be here if it were not for the GI bill.

I went to the Ohio State University on a Navy ROTC scholarship, and when I got out, I went to graduate school at the University of Delaware on the GI bill.

As you know, the authors of this new veterans benefit proposal and two of my fellow Vietnam veterans—Senators WEBB and HAGEL—were also able to use the GI bill to help transition back into society after fighting in the jungles of Vietnam.

I share their belief that we need to reexamine the current GI bill with an eye toward Iraq and Afghanistan veterans.

To that end, Senators WEBB and HAGEL have worked tirelessly to try to provide the men and women of the Armed Forces who have served since 9/11 with the education benefits they deserve.

These two Senators have created a bill that represents the best hope of increasing veterans' education benefits. They should be commended for their hard work and their commitment to our troops.

Let me be clear: I support their proposal, and I would be proud to pass an emergency supplemental with this proposal included.

However, how we pass this bill will be very important.

This emergency supplemental provides these veterans education benefits at about $50 billion over the next 10 years.

Like the rest of this bill, there is no offset and no way to pay for these benefits.

Our colleagues in the House, however, did something quite different and, in my view, a lot better.

When the House passed this same veterans education benefit, they also included a way to pay for it.

They created a nominal tax increase of .47 percent on individuals making over $500,000 or couples making over $1 million.

By offsetting this increase in veterans' benefits, the House sent a clear message to the country and to the troops. That message was that we will honor the members of the Armed Forces by giving them the benefits they rightfully earned, but we are going to do this in a fiscally responsible way; we are not going to do this by going deeper into the red; we will exercise a little discipline; we will tighten our belts; and we are going meet our troops' sacrifice with a sacrifice of our own.

In this time of war and economic hardship, I believe the Senate needs to send a similar message to our troops: We will sacrifice here at home to give you what you deserve, because you sacrificed abroad to protect the United States.

That is why I have offered an amendment to this bill that provides the same offset as the House bill.

In order to pay for the new GI bill, my amendment calls for a small sacrifice: a nominal tax increase—less than one-half of 1 percent—on individuals making over $500,000 or couples making over $1 million.

One of the principles that I have always tried to follow is, if it is worth doing, it is paying for.

I doubt any of my colleagues would argue that providing veterans with a new GI bill is not worth doing. So then, I ask my colleagues, why is trying to pay for this benefit not worth doing?

I realize my amendment is not the most popular idea. We in the Senate like to talk a good game about the need to rein in Government spending, reduce the deficit, and to adhere to pay-as-you-go principles. But we are not so good at walking the walk.

I also know that several of my colleagues have argued that when this bill passes, we will have spent nearly $600 billion in Iraq and none of that has been paid for. Why shouldn't we, then, try to find an offset for $50 billion in education benefits for our veterans?

I understand that sentiment. I am a veteran. I benefited from the GI program. And I, too, am not happy about our situation in Iraq.

I have complained for years that our spending in Iraq lacks accountability and that we have done little to nothing to make Iraq pay its fair share.

Again, I want to unequivocally state that I will vote to pass this new GI bill—offset or not—because our troops deserve this benefit.

However, I just feel strongly that before we pass a new entitlement, we should at least make an attempt to pay for it, that we in the Senate should be willing, as the House has done, to put our money where our mouth is, to step up to the plate, and say this is worth doing and it is worth paying for.

Mr. KERRY. Mr. President, we are in the sixth year of the war in Iraq, and the costs to our troops, our security, and our country rise by the day. With the current course still not working, I have no choice but to vote against amendments 4817 and 4818 to the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2008. It is clear that these measures continue to give President Bush a blank check to continue his chosen policy, despite the constant warnings of military experts who tell us that there is no military solution to Iraq's civil war and that political compromise in Iraq will not occur absent meaningful deadlines for the transition of our mission and the redeployment of U.S. troops.

I believe this was an occasion where Congress had the responsibility to force the President to change a policy that is broken. Not to caution, warn, or cajole—not to give a blank check and hope for the best—but to force a change in a policy that is making us weaker, not stronger.

Make no mistake—on the core issue of changing our deployment in Iraq, these amendments are deficient, and that is why I must oppose them. However, they contain provisions many of us have supported time and again.

Particularly, the first amendment has many important provisions that I support, including mandating dwell time between deployments for our troops, a prohibition on permanent bases in Iraq, and the requirement that any long-term security agreements with Iraq be subject to approval by the Senate. But because the language with respect to Iraq—setting a nonbinding goal of completing the transition of the mission by June of 2009—is not strong enough, I cannot support the amendment.

I also oppose the second amendment, which provides billions and billions more in funding for the war without

any policy corrections at all. This is tantamount to giving the President another blank check to continue with an Iraq war policy that I strongly believe is making America less safe. There is no requirement to transition the mission and no deadline to leverage political progress. And there is no relief for a military stretched to the breaking point. That approach will not resolve the sectarian divisions that have fed this civil war, it will not bring long-term stability to Iraq, and it will not protect our national security interests around the world.

All of us—and I would underscore, all of us—are incredibly grateful for the remarkable sacrifices our troops have made in Iraq. They have done whatever we have asked of them, and they have served brilliantly. The question before us now is whether we have a strategy that is worthy of their sacrifice.

We can all agree that there is no purely military solution to the problems in Iraq. All of our military commanders, including General Petraeus, as well as Secretary Gates and Secretary Rice, have told us as much. And when the President announced his escalation to the American public last January, he said the purpose was to create ''breathing room'' for national reconciliation to move forward.

Over a year later, it is clear that this escalation did not accomplish its primary goal of fostering sustainable political progress. General Petraeus himself recently said that ''no one'' in the U.S. or Iraqi Governments ''feels that there has been sufficient progress by any means in the area of national reconciliation.''

I don't believe that it is too much to ask of Iraqis to make tough compromises when over 4,000 of our troops have given their lives to provide them that opportunity. In fact, I think the only strategy that honors the tremendous sacrifice of our troops is one that pushes the Iraqis to solve their own problems. And by General Petraeus's own account, the current strategy is not accomplishing that.

By my count, we are now entering the fifth war in Iraq. The first was against Saddam Hussein and his supposed weapons of mass destruction. Then came the insurgency that DICK CHENEY told us nearly 2 years ago was in its last throes. There was the fight against al-Qaida terrorists whom, the administration said, it was better to fight over there than here. There was a Sunni-Shia civil war that exploded after the Samara mosque bombing. As we saw in Basra, there may be a nascent intra-Shia civil war in southern Iraq. And nobody should be surprised if we see a sixth war between Iraqi Kurds and Arabs over Kirkuk.

We are also on at least our fifth ''strategy'' for Iraq. First there was ''Shock and Awe,'' which was supposed to begin a peaceful transition to democracy in Iraq. Then there were ''search and destroy'' missions designed to fight the growing insurgency. There was the era of ''As they stand up, we'll stand down,'' focused on transitioning responsibility to Iraqi security forces. That was followed by the ''National Strategy for Victory'' and the introduction of the ''Clear, Hold and Build'' approach. And last year, we had the ''New Way Forward,'' with the troop escalation that was supposed to provide breathing room for the Iraqis to make political progress.

What we have never had is a strategy that brought about genuine political reconciliation or that made Iraqis stand up for Iraq or that allowed us to meet our strategic objectives and bring our troops home. What we have never seen is an exit strategy.

In fact, at the beginning of the war in 2003, we had about 150,000 U.S. troops in Iraq. Today, there are still about 150,000 U.S. troops on the ground. After more than 5 years, after more than 4,000 U.S. lives lost, after more than $500 billion dollars spent, we are basically right back where we started from—with no end in sight.

And we know that after the escalation ends in July the plan is to keep some 140,000 troops in Iraq—slightly more than the levels of early 2007, when the violence was out of control and political reconciliation was nonexistent.

So it looks like the sixth strategy is basically to repeat what didn't work the first time and hope for a different result. And we keep hearing that approach justified with the twisted logic that because we cannot afford to fail in Iraq, we must continue with a strategy that has failed to achieve our primary goals.

We clearly need a new approach that fundamentally changes the dynamic, and I continue to believe that Iraqis will not make the tough political compromises necessary to stabilize the country while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

One thing we know is that the costs of continuing down this path are extraordinary. Over $12 billion per month and over 900 soldiers dead since the surge began. And while we are bogged down in Iraq, we continue to neglect the most pressing threats to our nation's security.

Let's be clear: The war in Iraq is not making us safer—it is making us less safe. Iran has been empowered in the region and emboldened to defy the international community in pursuit of its nuclear program. Hezbollah and Hamas are stronger than ever. Our military is stretched to the breaking point. Our intelligence agencies have told us Iraq is a ''cause célèbre'' for al-Qaida that helps ''to energize the broader Sunni extremist community, raise resources and to recruit and indoctrinate operatives, including for homeland attacks.'' So it is no surprise that terrorist incidents outside Iraq and Afghanistan have risen dramatically since the war began and are now at historic highs.

And we know where the real threats lie: Our top national security officials keep warning us that the next attack is likely to come from the Afghanistan-Pakistan border—not Iraq. Meanwhile Afghanistan slides backwards, in part because—as Admiral Mullen has acknowledged—with so many troops tied down in Iraq, we simply don't have the manpower available to give our military commanders the troops they need.

Every day we fail to change course we play further into the hands of our enemies. We need a fundamentally new approach to our Nation's security in the region and around the world—and that starts with a new strategy that in Iraq. The events of the last year have shown once again a basic truth: Iraqis will not resolve their differences and stand up for Iraq while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

As we redeploy, we need to engage diplomatically with Iraq's neighbors in a way that creates a new security structure for the region. And we must responsibly redeploy from Iraq so we can refocus our efforts on fighting al-Qaida around the world—especially on the real front line in the war on terrorism in Afghanistan and Pakistan.

Mr. FEINGOLD. Mr. President, I voted for the non-Iraq portion of the supplemental because it included a number of provisions I support, such as Senator WEBB's GI bill, an extension of unemployment insurance, funding for LIHEAP and Byrne grants, and a number of important Africa-related provisions. The Webb GI bill represents one of the best ways that the Federal Government can support members of our Armed Forces who might not otherwise have the opportunity to obtain a higher education. Expanding educational benefits is the least we can do for the men and women in uniform who have been asked to do so much for our country.

However, I am disappointed that the Senate was prevented from voting on the fiscally responsible House version of the GI bill. We should not be piling up more debt for future generations to repay, and I will work to try to make sure that the cost of this benefit is paid for. The Senate should not get into the habit of using nonoffset emergency supplemental bills to bypass the regular appropriations process. Just because the President refuses to pay for the cost of the war in Iraq doesn't mean we should follow his path of fiscal irresponsibility.

I am deeply disappointed that neither the House nor the Senate version of the supplemental contains language that would end the Iraq war. In fact, both bills—particularly the Senate Appropriations Committee bill—are actually weaker in this respect than the first supplemental we passed just over a year ago. Democrats took power of Congress last year pledging to work to bring an end to the war. While we have made significant progress in other

areas, we are actually moving backward, not forward, when it comes to Iraq.

What do I mean that the current supplemental is weaker than the one we passed a year ago? The new House supplemental requires redeployment of troops from Iraq to begin in 30 days, with a goal of completion within 18 months, or approximately the end of 2009. The supplemental we sent to the President a year ago set a goal of completing redeployment no later than the end of March 2008, or around 11 months from passage of the bill. So we have gone from an 11-month goal to an 18-month goal.

And the exceptions have become even broader, meaning that even more U.S. troops could be allowed to remain in Iraq. In the new version, the administration is no longer limited to conducting targeted missions against ''members of al-Qaida and other terrorist organizations with global reach.'' Now, it can leave troops in Iraq to go after any ''terrorist organizations'' in that country. Going after al-Qaeda and its affiliates makes sense because they represent a direct threat to the United States. Leaving U.S. troops in Iraq to launch missions against any organization that the administration labels ''terrorist,'' regardless of whether they pose a threat to our country, doesn't make sense. It is just a continuation of the current administration's muddled, misguided approach, which focuses so much of our resources on one country while largely ignoring the threat posed by al-Qaida around the world.

In addition, the House language allows U.S. troops to not just conduct training and equipping of Iraqi troops but also to provide ''logistical and intelligence support,'' which wasn't in last year's supplemental. That could mean our troops would still be fighting on the front lines, embedded with Iraqi forces, or providing air power, as we saw during the recent clashes in Basra. If you are looking to keep tens of thousands of U.S. troops in Iraq indefinitely, then you won't have a problem with this new language. If, however, you want to bring our involvement in this war to a close, then you can and should be troubled by these big loopholes in the House bill.

The House bill may be bad in this respect, but the Senate bill that we actually voted on and passed is far worse. It doesn't have any loopholes—it doesn't need them because it doesn't do anything. It simply expresses the sense of Congress that the mission in Iraq should be transitioned to a few limited purposes by June 2009. That is it—nonbinding language that may make a few Members feel better about themselves but that won't do a thing to bring the war to a close.

To make matters worse, the Senate bill includes a provision requiring a report on transitioning the U.S. mission in Iraq but leaving 40,000 troops in Iraq at the end of the transition. Based on existing estimates, it would likely cost $40 billion a year to maintain such a presence in Iraq. We should be promptly redeploying our troops, not studying the option of transitioning to an open-ended, significant military presence in Iraq.

Both the supplemental bills, and the process by which we are considering them, seem devised to maximize our political comfort, rather than put pressure on the White House to end a disastrous war. This shouldn't be about allowing ourselves to cast votes that make us feel better and look good.

Now I realize, like my colleagues, that we have limited options to try to end the war before the next President and the next Congress take office. But that doesn't mean we can simply ignore Iraq or write off the next 10 months. More brave Americans will die in Iraq over the next 10 months, and our national security will continue to suffer while we focus on Iraq to the exclusion of so much else, including the global threat posed by al-Qaida. We have a responsibility to our constituents and to the American people, who have been demanding an end to the war for far, far too long, only to have that call go unheeded.

At a minimum, we should be voting on an amendment I filed to safely redeploy our troops by setting a date after which funding for the war will be ended. The Senate has voted on such an amendment several times, offered by myself and the majority leader. I am under no illusions about whether such an amendment would pass. But Members of Congress should have to put themselves on the record as to whether they are serious about wanting to end the war. That may make some of them, even members of my party, a little uncomfortable. But making tough decisions, casting tough votes, standing on principle—that is what our constituents expect of us.

As all of this weren't bad enough, this so-called supplemental spending bill doesn't just include Iraq spending for the current fiscal year. It also includes tens of billions of dollars to keep the war going in the next fiscal year. That means we can spare ourselves the inconvenience of taking up another Iraq spending bill this Congress. That may make us all feel better, but it is another way of showing that we aren't serious about putting pressure on the President to bring the war to a close.

Instead of negotiating backroom deals, instead of trying to devise procedures and votes that minimize our discomfort, instead of acting like we are against the war without following through, instead of all that pretense and posturing, let's act like a legislative body and do some actual legislating. Let's have debates, and amendments, and votes. Let's do this in the open, on the record. That way our constituents will see whether we really are committed to ending the war, to fiscal responsibility, and to the other principles and goals that matter to the folks back home but that seem to have been forgotten here.

Mr. JOHNSON. Mr. President, I wish to point out to my colleagues what we will not be funding if this amendment fails. First and foremost, we will not be funding critical military construction projects for our troops serving in Iraq and Afghanistan. These are emergency infrastructure requirements that our men and women in uniform have requested—projects that will contribute to their safety and security and that are crucial for them to be able to perform the mission with which they have been tasked.

We will not be funding construction of critically needed VA polytrauma rehabilitation centers. These are cutting-edge centers for the treatment of Active Duty and separated Iraq and Afghanistan war veterans suffering from the signature injuries of those wars: traumatic brain injury, post-traumatic stress disorder, hearing loss, amputations, fractures, burns, visual impairment, and spinal cord injury. It is hard to think of anything more important than providing the best possible care to our wounded soldiers.

We will also be leaving a $787-million shortfall in the BRAC account, meaning that important construction at our bases here at home will be delayed, and the 2011 deadline for completing BRAC may become impossible to meet.

We will be delaying emergency renovation and replacement of barracks for our soldiers returning from war. Many of us were appalled at the deplorable conditions at Fort Bragg, which is why this bill provides $200 million to rebuild the ''worst of the worst'' of the Army's barracks. If we fail to pass this amendment, we will be leaving our soldiers to continue to live in unacceptable conditions.

We will not be funding childcare centers for our military families. Childcare is a serious quality of life issue for the families who bear the brunt of war, and this bill would accelerate funding for 31 of the highest priority child development centers—funding for which the President himself has signaled support.

In short, this bill provides critical funding for some of the highest priorities of our Nation, including our military forces. All of my colleagues should be very aware of what they are voting against if they vote against this amendment. I urge my colleagues to support it.

Mr. GRASSLEY. Mr. President, I come to the floor today to object to the inclusion of provisions that are clearly in the jurisdiction of the Finance Committee in an emergency supplemental appropriations bill to fund the war.

The supplemental appropriations bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

It also prevents implementation of a CMS policy to ensure States cover poor kids before expanding their SCHIP programs.

I know some people have concerns with the CMS policies.

Let me be clear: I am not here to argue the regulations are perfect. I have issues with some of them I would like to see addressed.

However, the regulations do address areas where there are real problems in Medicaid.

Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations . . . low-income seniors, the disabled, pregnant women, and children. They depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges.

Medicaid has a history of States abusively pushing the limits of what should be allowed to maximize Federal dollars sent to them.

And while sometimes States have clearly pushed the envelope, at other times, States have struggled to understand what is and is not allowable in Medicaid.

So after years of work by CMS, numerous reports by GAO and the Inspector General at HHS, and frequent Congressional hearings, CMS issued regulations to try to clarify the rules in some very problematic payments areas of Medicaid.

I will start with the public provider regulation.

We know that in the past, many States used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

For years, the Medicaid Program was plagued by financial gamesmanship. States used so-called intergovernmental transfers or IGTs, to create scams that milk taxpayers out of millions—even billions—of dollars.

Here is an example: a State bills the Federal Government for a $100 hospital charge. The hospital gets the $100 payment and then the State would require the hospital to give $25 of it back to the State. In my view, that is a scam.

What happens to the $25? In the days before Congress and CMS cracked down on the behavior, the money could go to roads or stadium construction.

That is right. Medicaid IGT scams paid for roads and stadiums instead of health care for the poor.

In 1991, 1997 and again in 2000, Congress took specific action to limit the States' ability to use payment schemes to avoid paying the State share of Medicaid.

CMS has continued their work since then.

Over the past 4 years, CMS has been working with States to try to limit these scams.

I will note these efforts have not been without their controversy. States have been very concerned about exactly what the new standards are.

Senator BAUCUS and I wrote the GAO and asked them to look into what CMS has been up to in trying to limit the way States make these payments.

We were concerned that there was not enough transparency in what CMS was doing.

And CMS did publish a rule for all to see. It is out there in the open.

The core goal of the rule is to limit provider reimbursement to actual cost.

I know some people consider this a radical idea, but I just don't understand why anyone thinks it is a good idea to have hospitals paid more than cost so they can be a part of these scams that rob the taxpayer to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1994, GAO recommended that payments to government providers be limited to cost. This is a fundamental issue for program integrity.

What did GAO find in their 1994 report that led them to this conclusion?

The State of Michigan used these questionable transfers to reduce their share of the Medicaid Program from 68 percent, which is what it should have been, to 56 percent.

The GAO found evidence that in October 1993, the State of Michigan made a $489 million payment to the University of Michigan. Within hours, the entire $489 million was returned to the State.

The report found that in fiscal year 1993, Michigan, Tennessee, and Texas were able to obtain $800 billion in Federal matching funds without putting up the State Share.

Congress and CMS have spent the last 17 years combating that behavior.

Last year, the emergency supplemental included a provision to delay implementation of the public provider rule for 2 years.

Fortunately, cooler heads prevailed and the delay was reduced to 1 year.

But I wish to read what I said at the time. This is from remarks I made on March 28, 2007:

> If some people think CMS has gone too far, then we should review their actions in the Finance Committee. We should call CMS in, make them testify, and ask the tough questions to which we need answers. If we think there are things we should have done differently, then we should legislate. That is the way it ought to be done.

That is the right way to operate. We should have dealt with it in the Finance Committee.

We should have tackled the issues here that are extremely complex. They deserve thorough consideration so we can insure we are taking appropriate action.

But a year has passed with no action and instead we are here with this amendment to the supplemental appropriations bill. No hearings have been held. No testimony submitted. Nothing.

Making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Intergovernmental transfers can have a legitimate role, but it is critical that States have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will still not be adequately defined.

Why should we care if the lines are not adequately defined? Let me read from the National Conference of State Legislatures Web site: ''IGTs can enhance a State's Federal match and thus bring additional funds to the State in two main ways. First, States can use county funds instead of State funds to generate a Federal match to support services provided by counties. Second, States can use IGTs to help it claim additional Federal funds based on upper payment limits. Under this model, a State can make payments to eligible public facilities using the rate Medicare pays for the same service, a rate that may exceed the State's standard Medicaid reimbursement rate. If it chooses to do so, a State then could use a portion of the new revenues generated—a share of the portion that remains after the standard Medicaid rate is paid for other goods or services.''

States speak openly about these payment schemes to maximize Federal dollars flowing to the States.

It is absolutely the worst thing we could do for the Medicaid Program to leave States without clear guidance on these types of payments.

We cannot simply walk away from this subject.

Now I would like to turn to the CMS regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I do not think the taxpayers are well served by the way Medicaid GME operates today.

If we simply make the regulation go away, what are the rules for States to follow?

There are five different methods States use in billing CMS, 11 States don't separate IME from GME, and CMS cannot say how much they are paying States for GME.

Let me quote from a CRS memo I submitted for the RECORD during the budget debate a few months ago: ''States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming Federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected State behavioral changes, for example.''

To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid.

That is because the States do not provide CMS with data on how much they pay in GME.

That is simply unacceptable.

You can disagree with the decision to cut off GME, but simply leaving the current disorderly and undefined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases I think the answer to that is yes.

I do think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid does not pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away allows States to bill Medicaid for school buses and for transportation on days when a child is not in school, we still have a problem.

It is also critical that Medicaid pay only for Medicaid services.

We all openly acknowledge the Federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: ''States, school districts, interest groups, and parents of children with disabilities often argue that the Federal government is not living up to its obligation to 'fully fund' Part B of the Individuals with Disabilities Education Act—IDEA, P.L. 108–446—the grants-to-States program.''

We can also acknowledge that just because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.

Again quoting from the CRS memo: ''It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.''

If a child is required to be in school under IDEA and receives a Medicaid service while in school, is the transportation of that child 100 percent Medicaid's responsibility?

We should define clear lines so that States know what is and is not Medicaid's responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly would argue that Medicaid paying for rehabilitation services is good for beneficiaries. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word ''rehabilitation'' means in the Medicaid Program.

Again quoting from the CRS memo: ''Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall.''

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: ''There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services.''

You can say the CMS regulation went too far, but that doesn't mean there isn't a problem out there.

As CRS notes, billing for rehabilitation services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005—DRA—relating to case management received a full review in the Finance Committee, along with Senate floor consideration and conference debate prior to enactment of the DRA. This regulation relates to a recently enacted statutory provision.

There is reason to believe that States have been using case management to supplement State spending. Some believe that States are shifting some of their child welfare costs to the Medicaid Program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration.

There are some who would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would support. Getting these children the proper services requires thoughtful review, planning and management, and I believe that Medicaid has an appropriate role in supporting these activities.

On the other hand, driving a child in foster care to a court appearance and billing the caseworker's time to Medicaid is not an activity that should be billed to Medicaid.

Certainly, the regulations are not perfect. The degree that CMS has gone to in specifying how case management should operate conflicts with the efficient operation of the benefit in certain respects.

But again let me quote from the CRS memo:

> Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program.

When CMS tried to come up with rules to increase accountability in case management, they had good reason to be trying to provide clarity and specificity for States.

Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for case management services between 1999 and 2005 grew by 105.7 percent. With spending growing that fast, we must make absolutely certain States understand how they should be billing CMS.

During the Appropriations Committee markup, a provision was added to delay implementation of an August 17, 2007, State Health Officials letter regarding the SCHIP program.

Simply put, the idea behind the policy is that States should have to show they are covering their poorest kids before they can expand to cover kids with higher incomes.

No matter how many technical issues people might have with the ability of CMS to implement the policy, I find it mind boggling that anyone would argue with the idea of covering poor kids first.

Poorer kids are generally sicker and in need of care. It is reasonable public policy to require States that want to cover higher income children to first demonstrate that they are doing a good job covering poor kids.

It is just common sense.

Earlier this month the administration issued further clarification on the August 17 directive. The purpose of this additional State Health Official letter is to respond to some of the concerns that have been raised by States looking to accommodate the August 17 directive.

Rather than work with the administration to find solutions—even after the administration made an effort to clarify the policy—this bill simply makes the policy go away.

This bill provides for $1.3 billion in savings to address the various policy provisions in the Finance Committee's jurisdiction.

I actually support the provisions that save money in this bill.

I have been working on the provision related to physician-owned hospitals for years.

But it is wrong to move it in this bill, and as much as I do support that provision, I must object to its inclusion here as well.

The provisions in this bill are scored by CBO as spending $1.7 billion. It is $1.7 billion because the regulations are delayed only until the end of March of next year.

I know supporters hope that the next administration will pull back and undo the regulations completely.

What would it cost if we tried to completely prevent these regulations from ever taking effect?

Not $1.7 billion that is for sure.

It would actually cost the taxpayers $17.8 billion over 5 years and $42.2 billion over 10 years.

It is an absolute farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

Instead of just making the regulations go away, the Finance Committee and the Energy and Commerce Committee should sit down with the administration and fix the problems with the regulations and address real problems in Medicaid.

That is what we should be doing for the taxpayers.

Secretary Leavitt states that the most pressing of regulations will not go into effect on May 25 as many have feared.

He has offered to sit down with us and work on these issues.

There is no cause for us to act today to block the implementation of these regulations while an offer to talk is on the table.

After the President vetoes this bill, I encourage my colleagues to drop these provisions and sit down with the administration to find real solutions.

Separately, I want to voice my concern over the inclusion of an authorization relating to imports of uranium from the Russian Federation.

The Finance Committee has not had an opportunity to examine this complex legislation and evaluate how it relates to our bilateral agreement with Russia concerning the disposition of highly enriched uranium extracted from nuclear weapons, and its potential impact on our bilateral agreement to suspend the antidumping investigation on uranium from the Russian Federation.

The Finance Committee is the committee of jurisdiction over international trade in the Senate, and circumvention of that jurisdiction has in the past led to significant trade disputes. I am disappointed that the Finance Committee was not fully engaged on this matter.

We were deprived of an opportunity to contribute expertise and provide input so that any potential consequences under our trade laws could be mitigated.

Perhaps my concern will prove unfounded in this case. But nevertheless, this manner of legislating does not serve our best interests and should be avoided in the future.

In conclusion, I oppose provisions that are the jurisdiction of the Finance Committee being considered in this bill.

Mr. VITTER. Mr. President, I rise today to talk about a very important provision to New Orleans in the supplemental and to thank the Senate Appropriations Committee members for their strong and continued support for Louisiana during the long and difficult posthurricane recovery process.

Included in the emergency supplemental bill before the Senate is $70 million for emergency funding for 3,000 rental subsidies, which will provide permanent supportive housing in Louisiana for its most at-risk residents. These are the individuals who normal housing assistance programs are most likely to fail or miss, or who are unable to take advantage of available assistance without extra support. They are the homeless, the elderly in need of additional outside care or supervision, and individuals with severe disabilities. For them, permanent supportive housing can mean the difference between being exposed to the streets or having a secure, stable home environment.

The permanent supportive housing funding is the final piece of a three-prong initiative in Louisiana to address the post-storm needs of its most at-risk population. Louisiana has already dedicated significant resources toward this project: Louisiana's Road Home recovery plan will provide the necessary supportive services funding for the first 5 years of the initiative and some capital funding and the State has already invested in 800 to 1,000 permanent supportive housing units through existing affordable housing programs. All that remains now before this initiative can become a successful reality is the rental subsidy funding, which would provide Louisiana with the 2,000 project-based voucher and 1,000 shelter plus care units that will finally bring the services and housing to the people that need it most.

However, without the $70 million in rental subsidy funding included in the supplemental, this important initiative will fail. This is an issue that transcends politics and party affiliation. It enjoys the bipartisan support of myself and Senator LANDRIEU, as well as the support of the Appropriations HUD subcommittee chair and ranking member, Senators MURRAY and BOND, and the committee leadership. The Louisiana House congressional delegation supports the funding and wrote the House appropriators to advocate for it. In fact, Louisiana's new Governor, Governor Jindal, signed that letter as a Congressman and has since written the House and Senate leadership last month urging its adoption.

As of the latest count last year, the homeless population in New Orleans had almost doubled to approximately 12,000 persons compared to the period prior to the storm. This is an opportunity to bring the most disadvantaged and at-need home. I urge Congress take this critical step of providing the necessary housing funding for this important Louisiana recovery initiative. And, I strongly urge my colleagues to support this funding in negotiations with the House of Representatives to ensure its inclusion in the final funding package.

Mrs. FEINSTEIN. Mr. President, simply put, I cannot vote for another $165 billion to give President Bush a blank check and fund the continuation of the war in Iraq, without condition, for over another year.

This is a difficult decision and not one I take lightly. But I believe that the time has come for Congress to exercise the power of the purse and bring this war to a conclusion.

I am a strong supporter of our troops in the field. They have done a tremendous job under difficult circumstances. They weren't greeted as liberators as Vice President CHENEY said they would be.

Instead, they found themselves targets in an internecine battle, whose roots go back hundreds of years. They found themselves in the crossfire between Sunni insurgents and Shia extremists. They've done everything asked of them, with the courage and dedication that we expect from our service men and women.

But President Bush has never provided an exit strategy for Iraq. He has never laid out a plan for bringing our troops home.

So, here we are more than 5 years after this war began. More than 4,000 troops killed. Tens of thousands injured. And no end in sight. $525 billion spent all designated as emergency spending and none of which is paid for simply added to our Nation's growing debt.

This is the first major war that has not been paid for, but instead has relied time and time again on emergency supplemental funds outside of the Federal budget.

I, along with many of my colleagues in the Senate, have voted again and again for a change of course to transition the mission. But the minority has obstructed the vote or President Bush has vetoed the bill each time we have tried.

So the power of the purse is the only tool we have to change the Iraq war. And it is time to bring this war to a conclusion after 5 long years.

The $165 billion supplemental funds the war for 1 year and 1 month, or until July 2009. This is all funded on the debt. I simply cannot agree to do it.

It would have been one thing if the supplemental had been to fund the war for an additional 6 months. But it is not. This means that the next administration essentially need not make any move or change until July 2009. This is simply not acceptable to me.

To me, it is a big mistake to have a supplemental this big because it simply means ''business as usual.'' And I don't believe we can be ''business as usual.''

On Tuesday, I questioned Secretary of Defense Robert Gates on the funding for this war. I told Secretary Gates that it is unclear to me why the passage of a $165 billion 2009 bridge fund is urgent at this time, particularly given that funding needs for next year are very much up in the air.

I told him that it is my understanding that if DOD transfers funding to the Army to meet its personnel and operational expenses, the Army could stretch its current funding quite far. And I asked how long the Army and Marine Corps could operate without the '09 bridge fund.

The Secretary said:

''The notion of having to borrow from the base budget in '09 to pay war costs . . . we probably could make it work for a number of months.'' And ''can we technically get thought some part of fiscal year 2009 without a supplemental? Probably so.''

So the other question that I have been grappling with is why should we provide 13 months of funding now? Where is the urgency to fund this war through July 2009? That is over a year away. It is simply not necessary to appropriate $165 billion for the Iraq war in a single day. This is almost twice the size of any previous supplemental the Senate has considered to date.

President Bush won't listen to the wishes of the majority of Congress and the American people. He has shown a complete unwillingness to evolve in the face of compelling evidence of the need for change.

After the fall elections, a new President will offer new ideas and policies, and at the top of the list should be a new plan for Iraq.

Congress should not, during this time of transition and great opportunity to seize the moment and change our war policy, allow the war to linger unaddressed for up to 7 months of the new administration.

Congress should not relinquish its constitutional right and obligation to use the power of the purse to require the next President to present a plan for Iraq one that includes the funding he or she will need to put that plan in motion.

So now, we are faced with another choice: Do we provide $100 billion through the end of this year and an additional $66 billion to take us through July 2009? Do we give the next President a pass and affirm that he or she does not have to change the mission or plan an exit strategy until the middle of next year?

I cannot support this.

Passing a year-long supplemental is an abandonment of the power of the purse, the greatest power that the Congress has. I believe that the time has come for the Senate to assert its will, and another year and a month of funding for this war is not the answer.

Mr. SPECTER. Mr. President, I seek recognition today in support of the domestic spending amendment to the fiscal year 2008 Military Construction, Veterans Affairs and Related Agencies bill, which is the underlying vehicle for fiscal year 2008 supplemental funding.

These appropriations include funding for programs vital for our Nation's welfare. With my long record of support for these programs, I could hardly reject supporting them now especially in the face of supporting significant additional funding for national defense. There must be some semblance of balance on military and domestic spending.

This legislation includes emergency unemployment compensation, UC, benefits for individuals who have exhausted all regular unemployment benefits after May 1, 2006. The UC program, funded by both Federal and State payroll taxes, pays benefits to covered workers who become involuntarily unemployed for economic reasons and meet State-established eligibility rules. These emergency UC benefits will provide a 13-week extension of unemployment benefits for those Americans in need of help.

Although America's economic growth has been positive during each of the past 25 quarters, between January and March 2008, payroll employment fell by some 160,000 and the unemployment rate rose to 5.1 percent in March of this year. Inflation has accelerated with the consumer price index rising to 3.9 percent for the 12 months ending in April 2008 compared with 2.5 percent during 2006 and 3.4 percent in 2005. With the increased costs of food and energy and loss of jobs in the United States, we need to offer assistance to those employees who have lost their jobs in order for them to provide for their families until they can find another job. I have consistently supported efforts to extend UC benefits to help our fellow Americans through difficult times. The Senate failed to extend UC benefits during consideration of the economic stimulus bill on February 6, 2008, despite my support. Therefore, I support this amendment recognizing the need to capitalize on the opportunity it provides for a much needed economic boost to those hard-working Americans hit hardest by the recent economic downturn.

Additionally, I support this amendment as it includes a much needed update to the GI bill of rights, which has not been revised for over 20 years. I joined 57 of my colleagues in sponsoring legislation that would provide a 4-year public university education for anyone who has served on active duty for at least 36 months since Sept. 11, 2001. This legislation would provide for this generation what the post-WWII GI bill provided for veterans of that global conflict. The current proposal is supported by the current chairmen of the Armed Services Committee and Veterans' Affairs Committee, as well as by a former chairman of the Armed Services Committee.

This reform is a real necessity. Regrettably we do not take care of our veterans as we should. We find that men and women are coming back now from Iraq and Afghanistan and the wonders of modern medicine have been able to keep people alive, but they have very serious disabilities. Many need a lot of counseling, have a lot of psychiatric problems and a lot of brain damage. Some young men and women coming back in their early twenties will require decades of care. General Colin Powell recently said, ''For someone coming back after serving in Iraq or Afghanistan for two or three or four tours of duty, they need to catch up quickly, and we need to help them.''

For those veterans ready to return to school, it is vital that they not be hindered with financial impediments to accessing higher education. It is a very sound economic approach to provide this education. The post-WWII program has been paid off many times over by producing men and women who have been very productive and paid more taxes. According to a recent editorial by Tom Ridge and Bob Kerrey, ''for every tax dollar spent on the World War II GI bill, our country received $7 in tax remittances from veterans whose careers benefitted from enhanced education.'' I agree with General Powell's statement that, ''America got that money back in spades.'' I think this is something we ought to do, most fundamentally to treat the veterans properly, but also for the future of the country. We would be well served by another generation of very well educated men and women; they deserve it, and it would help the country a great deal in the long run.

This amendment before the Senate contains $400 million for the National Institutes of Health, NIH. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society. I was very disappointed in the small increase NIH received in fiscal year 2008. In fiscal year 2009, I am asking for an increase of several billion dollars.

This amendment contains an additional $26 million for Centers for Disease Control and Prevention, CDC, to respond to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics. Funds would be used for research, education and outreach activities.

Further, I have consistently supported efforts to increase funding for the Low Income Home Energy Assistance Program, LIHEAP, as the ranking member of the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education. This amendment provides an additional $1 billion for fiscal year 2008 for this critical program. With the cost of energy continually increasing, it is essential that those on fixed incomes have assistance in making their home heating and cooling payments. This additional funding will bring the total level for fiscal year 2008 closer to the goal of the fully authorized level of $5 billion.

Paying heating and cooling bills for low-income households throughout this Nation has always been a struggle, but never more so than today with the soaring energy costs. The inability to pay for heating or having to make decisions to forgo other needs such as food and medicine pose health and safety hazards—especially to the elderly, the disabled and children. This winter, Americans, on average, spent $977 to heat their homes which is 10 percent higher than last winter. Nationwide average oil heating bills are expected to be 22 percent higher than in the previous year. I support this amendment

which will go a long way towards addressing the serious plight of those individuals facing a critical need for assistance during this energy crisis.

This amendment will also provide a moratorium on several Medicaid regulations. These Medicaid Programs are critical to providing healthcare to low-income individuals in Pennsylvania.

The moratorium prevents the elimination of school-based administrative and transportation programs and case management services for individuals with multiple health and social complications. This amendment will provide access for beneficiaries to rehabilitation services. Further, the moratorium would continue the payments to hospitals for graduate medical education funding, allowing Pennsylvania hospitals to train the physicians of tomorrow. These programs provide an important health safety net for disadvantaged children, seniors and parents that must be preserved.

This amendment would restore access to nominal drug pricing for selected health centers specifically those clinics based at colleges and universities whose primary purpose is to provide family planning services to students of that institution.

The domestic amendment also contains provisions that will decrease Federal spending. This includes the expansion of a demonstration project that verifies the assets held by Medicaid applicants. It saves federal dollars by preventing noneligible people from receiving Medicaid benefits inappropriately.

Additionally, this amendment would impose a 1-year moratorium on the August 17, 2007, directive by the Centers for Medicare and Medicaid Services. This directive changed Federal policy by prohibiting coverage of uninsured children under SCHIP if their family income is above 250 percent of the Federal poverty level or $42,400. This is of particular importance in Pennsylvania where the SCHIP program covers children in families up to 300 percent of the poverty level or $63,600.

For these reasons that I have outlined above—an extension of unemployment insurance benefits, enhanced benefits for our nation's veterans, and additional funding for LIHEAP, FDA, CDC and NIH where insufficient funding has been provided—I support the domestic spending amendment to the supplemental bill.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about a number of important provisions in this domestic funding amendment. I am delighted that this amendment passed the Senate by an overwhelming vote of 75–22, and I hope the House will pass it swiftly and overwhelmingly as well.

There are many provisions in this amendment that will meet many important needs we are facing as a country, but I would like to mention a few that are of particular note. First, the bill contains a total of $15 million to help reduce drug-related violence in the border region by aggressively stepping up efforts to prevent weapons from being smuggled into Mexico to arm drug cartels. Of this money, $5 million would be allocated for ATF to provide assistance to Mexican authorities in investigating weapons trafficking cases and $10 million would be set aside for ATF to enhance Project Gunrunner Teams in the southwest border States.

This funding is based on S. 2867, the Southwest Border Violence Reduction Act, which I recently introduced with Senator HUTCHISON. This measure is also cosponsored by Senators FEINSTEIN, KYL, DURBIN, and DOMENICI.

According to ATF, about 90 percent of the firearms recovered in Mexico come from the United States. These weapons are used by drug gangs to forcefully maintain control over trafficking routes and greatly undermine the ability of Mexico to fight drug traffickers. These violent groups use smuggled weapons to assassinate military and police officials, murder rival members of drug organizations, and kill civilians. In the Mexican state of Chihuahua, which shares a border with New Mexico, there have been over 200 killings since the beginning of 2008, an increase of about 100 percent over the previous year.

Violence perpetrated by international drug trafficking organizations impacts the well-being and safety of communities on both sides of the United States-Mexico border. I am pleased that additional resources are being allocated to target weapons trafficking networks and enhance international cooperation in investigating these cases.

The second provision I would like to discuss relates to assistance we are providing to local law enforcement situated along the southern border. The bill includes $90 million for a competitive grant program within DOJ to help local law enforcement along the southern border and other agencies located in areas impacted by drug trafficking. As the sponsor of the Border Law Enforcement Relief Act, I have been pressing for Congress to help border law enforcement agencies with the costs they incur in addressing criminal activity in the border region. I strongly believe this funding is greatly needed and I am glad the Congress is giving this issue the attention it deserves.

This bill also takes an important step forward in advancing our economic security by increasing funding for math and science education programs by $50 million. In America Competes, this Congress recognized that in order to ensure an educated and skilled workforce, we needed to strengthen math and science education. Accordingly, we significantly expanded math and science education programs at the National Science Foundation. I am particularly pleased to see an increase of $20 million in the Robert Noyce Scholarship program, which recruits and prepares talented students and professionals to become math and science teachers. The bill also contains an additional $24 million to support graduate study in STEM fields.

Further, earlier this year Senators DOMENICI, ALEXANDER, DORGAN, CORKER, FEINSTEIN, KENNEDY, SCHUMER and I wrote a letter to the Appropriations Committee requesting $250 million for the Department of Energy's Office of Science. This bill allocates some $900 million for agencies performing science, including $100 million for the DOE's Office of Science. In addition, it provides $400 million for the National Institutes of Health to keep its budget up with inflation and $200 million for NASA and their space flight mission. I am grateful to the committee for recognizing the importance of science and taking it into account in this supplemental appropriations bill.

In light of the ''silent tsunami'' of the food crisis in the developing world, I am pleased that the Senate version of the supplemental provides for approximately $1.2 billion in funding for food aid through fiscal year 2009. I am also pleased that USAID will reportedly announce a $45 million package in food aid for Haiti, of which $25 million will be distributed via the World Food Programme, at a press conference tomorrow morning.

However, I believe that more needs to be done for Haiti. According to Haitian President René Preval, Haiti needs $60 million in U.S. food aid assistance to avert famines over the next 6 months. Accordingly, I call upon USAID to allocate at least $60 million of the $1.2 billion food aid appropriation to Haiti.

Haiti is the poorest country in the Western Hemisphere, where approximately 76 percent of Haiti's population subsists on under $2 per day and 55 percent on under $1 per day. One in five Haitian children is malnourished. We must address these challenges, partly for reasons of preserving stability in the Caribbean, and partly to provide an alternative to emigrating to the United States, but mostly because it is the right thing to do.

I am also pleased that the supplemental provides for $100 million of assistance for Central America, Haiti, and the Dominican Republic to support the Mérida Initiative in those regions and countries. In particular, I am pleased that the Senate version of the supplemental set aside $5 million of this money to combat drug trafficking and for anticorruption and rule of law activities in Haiti. This amount doubled the $2.5 million called for in the House version.

Last year, when the Drug Enforcement Agency stationed two helicopters in Haiti on a temporary basis, the level of cocaine shipments transiting the country by air and sea declined significantly. This decline resulted in lower levels of corruption in Haiti and less cocaine reaching the United States. I hope that today's $5 million in funding for Haiti will replicate these successes,

and I call upon the DEA to use a portion of these funds to increase interdiction capability in Haiti by placing helicopters there on a more sustained basis.

Finally, I would also like to voice my strong support for provisions within this legislation to block attempts by the Bush administration to reduce health care access for low-income children, seniors, and others. In the last year and a half the Bush administration has aggressively attempted to shrink the Federal Medicaid program by reducing the ability of States to provide Medicaid coverage to their most vulnerable populations. These actions have been taken under the ruse of ''fraud and abuse'' reforms but we should be clear about what they really are, an attempt to reduce Federal expenses on the backs of poor Americans. At a time when we are spending approximately $12 billion a month on the war, that is about $5,000 a second, and at a time when so many Americans are facing economic hardship and will be depending on low-income programs, it is unconscionable that the Bush administration is attacking the poorest among us—all in a weak attempt at appearing fiscally responsible.

These programs are critical to many low-income patients and safety-net providers in my home State of New Mexico and across the Nation. For example, the most significant of the administration's proposals would devastate New Mexico's Sole Community Provider Fund, which plays a critical role in ensuring New Mexicans in rural areas of the State have access to lifesaving hospital services and funds programs for uninsured New Mexicans. It also would cause the University of New Mexico Hospital and other New Mexico institutions to lose millions of dollars for the care they provide to our low-income residents. It is important to note this is not a partisan issue. I have worked for the last year and a half to block this specific proposal including introducing legislation with Senator DOLE, S. 2460. Seventy-four members of the Senate, Democrats and Republicans alike, have gone on record opposing this Bush proposal. We were successful in blocking it last year and I am very pleased that we are acting to block it for an additional year.

Sadly, the Bush administration's proposals don't end there. The White House also would undermine the ability of schools to help enroll children in Medicaid and coordinate their health care services. The administration would also cut rehabilitation services provided to people with disabilities, especially those with mental illness and intellectual disabilities; cut case management services for the elderly, children in foster care and people with disabilities; reduce specialized medical transportation services for children; and severely limit Medicaid payments for outpatient hospital services. Finally, the administration also is attempting to severely limit States' abilities to expand enrollment of children in the State Children's Health Insurance Program or SCHIP.

Taken together the Bush administration's efforts would cost my State approximately $180 million this year in Federal low-income support and much more in subsequent years. The Nation's Governors oppose the Bush administrations efforts, as do State Medicaid directors, State legislators, and the National Association of Counties. More than 2,000 national and local groups—such as the American Hospital Association, the American Federation of Teachers, and the March of Dimes—also oppose these efforts. They know the devastating effect these rules would have on local communities, their hospitals, and vulnerable beneficiaries.

Mr. BIDEN. Mr. President, today we are voting on funding our troops on the front lines. We can disagree about whether we should be in Iraq at all and we can disagree with the President's failed policies, but as long as Americans are in harm's way, we need to give them the best possible protection this country has. To me, that is a sacred obligation. In terms of protection, there are a lot of reasons to vote for this funding—it provides $2 billion to fight deadly improvised explosive devices, it funds 25 C–130s to replace planes worn out by nonstop use moving people and supplies around the war zone, it gives more assets to families, it funds much needed military health care, and it provides $1.7 billion for Mine Resistant Ambush Protected vehicles. That is a good thing.

Now in our fifth year of the Iraq war and the seventh year of the war in Afghanistan, it often seems that good news is hard to come by. But sometimes good things do happen here on the Senate floor. Sometimes we are able to profoundly improve the odds for American men and women fighting in those wars. For my colleagues, I would like to review one good story.

For me, this story begins in the summer of 2006 on one of my trips to Iraq. A Marine commander in Fallujah showed me a new vehicle they were using called a Buffalo. He told me that these Buffalos were saving lives and that they needed more of them. I was impressed. This Buffalo was a huge vehicle with a large claw arm, high off the ground, with a v-shaped undercarriage. I found out later that it was the largest of a group of vehicles called Mine Resistant Ambush Protected vehicles, or MRAPs.

So, when the next wartime funding bill came to the Senate, I looked into what was going on with these MRAPs. The most important thing that I found out was that military experts were starting to say that MRAPs could reduce casualties from improvised explosive devices, those roadside bombs also called IEDs, by two-thirds. At that time, 70 percent of all the casualties suffered by Americans were caused by IEDs. So even if MRAPs only worked half as well as the military claimed, they would have a tremendous effect reducing deaths and injuries.

In a March 1, 2007, memo to the Chairman of the Joint Chiefs of Staff, General Conway, the Commandant of the Marine Corps, emphasized the importance of the MRAPs, saying, ''The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. Multi-National Force—West estimates that the use of the MRAP could reduce the casualties in vehicles due to IED attack by as much as 70 percent.'' He ended by saying, ''Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.'' Later that month, in testimony to Congress, General Conway told us that the likelihood for survival in Iraq was four to five times greater in an MRAP.

Two weeks after that memo was written, then Chief of Staff of the Army, General Schoomaker told the Committee on Appropriations of the funding shortfalls for MRAP procurement. I will be honest here. I was genuinely surprised. It was clear to me that this vehicle was essential and needed to be fielded as quickly as possible. I could not understand why funding was not already in the supplemental.

I looked into it and found out that in fiscal year 2006 and in the bridge fund for fiscal year 2007, there was a total of $1.354 million for MRAPs, but much more was needed because this was a new vehicle. Only one company was making MRAPs then, and the military was only ordering small amounts of them.

In February 2007 the military ordered and received 10 MRAPs. That is it. It became clear to me that we needed to do more to push this process.

The Marine Corps was running the program for all of the services. They told me that one issue was that the requirements in the field had changed dramatically—it started with a request for 185 in May of 2006, then another 1,000 were requested in July, the total went to 4,060 in November and to 6,728 in early February of 2007. By March, the total need was thought to be 7,774 MRAPs for all four services. The plan at the time was to spend $8.4 billion to build those 7,774 MRAPs—$2.3 billion in fiscal year 2007 and $6.1 billion in fiscal year 2008. The administration, however, had not asked for $2.3 billion. Despite this, my colleagues on the Appropriations Committee put $2.5 billion in their bill because they saw the need.

The Marine Corps believed that even that plan was not aggressive enough and that production could be accelerated if more funding was moved to fiscal year 2007. So I asked my colleagues to join me in adding another $1.5 billion to the wartime funding bill to produce and field 2,500 more MRAPs by December of 2007. I felt very strongly that we had to accelerate things. Some of you may remember that I came to the Senate floor in a tuxedo, to explain

how vital the funding was the night before the vote.

On March 29, 2007, we spoke as one. The vote was 98 to 0 to add the $1.5 billion and give the MRAP program a total of $4 billion. This Senate should be congratulated for that decision.

We stood up and said, ''We can do better.'' We also made clear our agreement with General Conway, who called this effort ''a moral imperative.''

I know that some had doubts. They were concerned that the vehicles had not been adequately tested and that producers simply could not expand production lines quickly enough. But in the end we all agreed that we had to take a chance on American industry because our kids' lives were at stake.

When the bill went into conference, some of our colleagues in the House had not yet realized how critical this was and what a difference early funding could make to the production schedule. So, the total in the final bill sent to the President in late May was reduced to $3.055 billion. The additional funds were important, but equally important was the interest that the debate sparked in the press.

Secretary Gates has said that he first heard about the MRAP program after reading a USA Today article. After which, on May 2, he made the MRAP program the Pentagon's top acquisition priority. On June 1, he gave the program a DX rating, giving it priority for the acquisition of critical items like steel and tires that multiple military programs need. He also established the MRAP Task Force to work on any issues that might delay MRAP production.

Despite Secretary Gates's clear understanding of the need for MRAPs, the fiscal year 2008 wartime funding request from the administration was only for $441 million. Four point one billion was needed just to produce the 7,774 MRAPs. So, on May 17, I formally asked the Armed Services Committee and the Appropriations Committee to provide the $4.1 billion needed. Again, to my colleagues' credit, 17 others joined those requests and both Committees responded with the $4.1 billion needed in the bills they presented to the Senate.

At almost the same time, we began to hear that the requirements in Iraq had grown again. GEN Raymond Odierno, commander of Multi-National Forces—Iraq, indicated that he wanted to replace all of the Army humvees in Iraq with MRAPS. That would mean the Army alone would need close to 17,700 MRAPs. The plan that we had been trying to fund included only 2,500 MRAPs for the Army. That now appeared to be 15,200 too few.

Given that MRAPs cost approximately $1 million per vehicle, that also meant that at least $15.2 billion more would be needed. We were now looking at a total price tag of over $23 billion for MRAPs, making the MRAP program the third most expensive in the entire defense budget.

It was clear to me, and to many colleagues here, that more needed to be done. Despite Secretary Gates's commitment to expedite production, there still seemed to be a lack of urgency in the administration and plenty of people were still saying that more MRAPs simply could not be produced quickly. So on May 23 I called on the President to personally engage so that the Nation could meet the needs of our men and women under fire.

I am sorry to say that we did not see the President engage. To this day, we must wonder how much faster we could have moved if he had.

Instead, in early July, the Army finally said publicly that they needed approximately 17,700 total MRAPs. The Joint Requirement Oversight Council, however, did not immediately approve that change. So, Congress was once again left knowing that the needs in Iraq were growing but not having a clear number or plan to meet the needs.

In speeches I made last year, I talked about some of the tensions within the military that slowed down the MRAP program, so I won't go into those details today. For now I will only quote Secretary Gates's analysis from May 13 of this year: ''In fact, the expense of the vehicles . . . may have been seen as competing with the funding for future weapons programs with strong constituencies inside and outside the Pentagon.''

Despite the frustration of not having a clear plan, some things were going well. The funding we had added to the supplemental combined with the hard work of the MRAP Task Force and MRAP program management team was making a difference. The Pentagon saw clear increases in production capacity and was ready to try to move faster. I told you that in February 10 MRAPs had been produced. In July, that number was up to 161—an amazing increase but clearly nothing close to the level needed to meet the requirement. The Pentagon asked Congress to approve moving $1.165 billion from other military programs to the MRAP program to try to keep growing the production. Congress agreed.

In July, I introduced an amendment to the Defense authorization bill to provide all of the funding that would be needed to get the Army 17,700 MRAPs and to deal with increased costs for the original 7,774 MRAPs that the committees had funded. I was also concerned that we were not moving fast enough to provide protection from explosively formed penetrators, EFPs, so I included funds for that work as well. The total amendment was for $25 billion, which included $23.6 billion for 15,200 MRAPs, $1 billion for cost increases, and $400 million for additional EFP protection. My goal at the time was very simple: to make absolutely clear to the Pentagon and to MRAP producers that Congress would provide all of the funding needed for MRAPs, up front and without delay, so that we could get these lifesaving vehicles to the front lines as quickly as possible.

That bill got delayed, but in the end, there was unanimous approval on September 27 for my amendment adding $23.6 billion to purchase 15,200 more MRAPs. The final bill, passed by the Senate on October 1, also raised the basic amount from $4.1 billion to $5.783 billion to address the increased costs for the 7,774 MRAPs already planned.

Three weeks later, October 23, the administration finally came to Congress and asked for $11 billion for 7,274 additional MRAPs for the Army. This officially made 15,374 the total request for all services and was approximately 8,000 MRAPs less than the Army appeared to need. However, at that time, Army leaders were telling us that they believed it was important to get MRAPs into the field and see how well they worked before committing to the much larger number. Concerned about this, I went to the floor again when it was time to debate the Defense appropriations bill. Mr. President, $11.6 billion was included for MRAPs, and Senator INOUYE promised on the Senate floor to closely monitor the Army needs and he personally guaranteed that if those additional vehicles were needed, they would be funded.

By this time, production was truly ramping up. In October, 453 MRAPs were produced. By November we were up to 842, and by December we were at 1,189 MRAPs. That means we got a total of 3,355 MRAPs produced in 2007 even though in February, industry could only make 10 per month. In the span of 18 months, this program went from trying to meet a requirement for 185 MRAPs to meeting the requirement for 15,374 MRAPs. This Senate stepped up and said we will meet the need. We provided over $22.4 billion to give industry the ability to ramp up their production ability.

When I argued in March that we could deliver close to 8,000 MRAPs to Iraq by February of 2008, some said it was impossible. We came close. Five thousand seven hundred and twelve MRAPs had been produced by the end of February.

As of this week, just under 8,300 MRAPs have been produced. More important, 4,664 are fielded and in the hands of front line forces in Iraq and 456 are fielded in Afghanistan. The rest are on the way, and we are producing well over 1,000 per month.

Let me go back to where we started. Something profoundly good happened on this Senate floor last year. Last year, we made it clear that we would provide the best possible protection to our troops. We recognized that this was a matter of honor and a matter of life and death. The results have been phenomenal.

Secretary Gates said last Tuesday, ''MRAPs have performed. There have been 150-plus attacks so far on MRAPs and all but six soldiers have survived. The casualty rate is one-third that of a humvee, less than half that of an

Abrams tank. These vehicles are saving lives.''

MG Rick Lynch, commander of Multi-National Division—Central, which operates south of Baghdad, told USA Today just over a month ago, ''The MRAPs, in addition to increasing the survivability of our soldiers from underbelly attacks, also have improved force protection for EFP attacks as well. So I've had EFPs hit my MRAPs and the soldiers inside, in general terms, are OK.'' He also pointed out that he had lost 140 soldiers, many in up-armored HMMWVs or Bradleys hit by IEDs and said, ''Those same kind of attacks against MRAPs allow my soldiers to survive. I'm convinced of that.''

And soldiers know it. On April 4, the Atlanta Journal-Constitution quoted SSG Jamie Linen of the 3rd Infantry Division talking about using MRAPs in the Baghdad area. He said, ''It is the one vehicle that gives us the confidence to go out there. Nothing is invincible here. You got tanks with three feet of armor getting blown up. But the MRAPs give us a sense of security.''

MRAPs have not only saved hundreds of lives, they have also saved limbs. The additional protection MRAPs provide usually means that injuries are less severe and complicated. That means more soldiers, airmen, sailors, and marines coming home and able to return to the lives they left behind. There is really no price too high to get this result, so again, I want to congratulate this Senate. What we did last year to support the MRAP program was not all that had to be done—the program managers and producers also had to do their part—but it was essential, and today, every day, it is literally saving American lives. What we did today continues that effort.

We have no higher obligation than to give those fighting for us the best possible protection. It is a sacred duty. Today and last year, with the MRAP, we fulfilled that duty, and I congratulate my colleagues.

● Mr. McCAIN. Mr. President, before us today is a supplemental appropriations bill that would provide vital funding for the men and women fighting valiantly on our behalf abroad. Yet instead of acting on the needs of our military in an expeditious and efficient manner, we find ourselves considering a bloated bill, loaded down with extraneous provisions unrelated to the ongoing conflicts in Iraq and Afghanistan. Sadly, this has become an unfortunate and reoccurring trend in recent years.

Congress has an obligation to provide our servicemen and women with the resources they need to fulfill their mission. Yet we have, once again, chosen to abrogate our duties and use this bill as a vehicle to fund various domestic projects that were not requested by the President, nor are they authorized, and have not been handled through the appropriate legislative process.

The President has already stated his intention to veto this measure if it arrives at his desk in its current form. Rather than demonstrating true bipartisanship and working together to produce a bill that meets the needs of our military and one that has the potential of becoming law, the Senate intends to pass a bill will be passed that is sure to be met swiftly by the President's veto pen, unnecessarily prolonging the delay in funding our troops.

Let us not underestimate the necessity of providing this funding to our military promptly and the consequences of delaying such payment. In a recent letter to Congress, Under Secretary of Defense Gordon England stated in no uncertain terms that if this funding is not provided, ''the Army will run out of Military Personnel funds by mid-June and Operation and Maintenance (O&M) funds by early July.'' In order to deal with these depleted accounts, the Department of Defense—DoD—would be required to borrow funds from other service branch accounts, hampering ongoing DoD activities around the globe. Under Secretary England goes on to state in his letter that by late July, the entire Department will have ''exhausted all avenues of funding and will be unable to make payroll for both military and civilian personnel . . . including those engaged in Iraq and Afghanistan.'' Let us understand what this means. If this appropriations measure is not enacted in a timely manner, thousands upon thousands of men and women in uniform will stop receiving a paycheck and our ability to conduct operations throughout the world will be severely restricted.

When we should be working together to produce a clean bill that provides our servicemen and women with the vital resources they need to fulfill their duties, we have instead reverted to the same old Washington habit of loading spending bills with billions of dollars going to unrequested, nonemergency projects. Examples include: $75 million not requested by the administration for expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulation on commercial fishing industries. This comes after Congress appropriated $128 million in 2005 for commercial fishery failures, $170 million in 2007 and included an additional $170 million in the Farm bill. Since 2005, Congress has provided almost $300 million for commercial fisheries disasters not including the $75 million in this supplemental and the proposed $170 million from the Farm bill. Additionally, questions remain by some commercial fishermen if this funding can be used to offset high gas prices which may be considered a disaster. The disaster here is that the American public isn't receiving any assistance on high gas prices.

Other examples are: $10 million not requested by the administration for Educational and Cultural Exchange programs; $75 million not requested by the administration for rehabilitation and restoration of Federal lands; more than $451 million not requested by the administration for emergency highway projects for disasters that occurred as far back as Fiscal Year 2005; $210 million not requested by the administration for the decennial census and $3.6 billion for 15 Air Force C–17 cargo aircraft. We have looked to the administration to inform Congressional budgetary decisions and the Department of Defense has been quite clear regarding the purchase of more of these cargo aircraft—they do not want them, because there is no military ''requirement'' for them and buying more C–17s is contrary to the Pentagon's current budget plan. DOD Secretary Gates, the DOD Deputy Secretary, and the Department's top acquisition official have all stated that additional C–17s were not necessary. Yet the Air Force continues to appeal to the parochial interests of Members of Congress, and once again the taxpayers find themselves on the wrong end of a bad decision. I am troubled by the Air Force's apparent disregard for proper acquisition policy, practice and procedure and seeming eagerness to further contractors' interests. As evidence of this, the Department of Defense Inspector General has an open investigation regarding how senior Air Force officials may have inappropriately solicited new orders for C–17s contrary to the orders of the President and the Secretary of Defense.

While I do not doubt the importance some may see in the various provisions included in the underlying bill, I strongly disagree with their inclusion in a war supplemental funding bill. Instead of attempting to hijack this vital legislation, the authors of these extraneous provisions should pursue their objectives through the normal legislative process and as part of appropriate authorizing and spending vehicles.

I also want to express my concerns about the authorizing legislation included in this emergency supplemental regarding veterans' educations benefits, commonly referred to as the Webb bill. There have been a lot of misrepresentations made about my position on this issue—not only on the Senate floor by the majority leader, who has alleged that I think the Webb bill is ''too generous,'' which is absolutely false, but most recently in an ad by VoteVets.org, which offers a complete misrepresentation of the facts and is a disservice to our Nation's veterans. I will once again attempt to set the record straight.

I believe America has an obligation to provide unwavering support to our veterans, active duty servicemembers, Guard and Reserves. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible and in a manner that not only promotes recruitment efforts, but also promotes retention of servicemembers. I would

think we could have near unanimous support for such legislation and I am confident that we will reach that point in the days ahead. But adding a $52 billion mandatory spending program to this war funding bill without any opportunity for amendments to improve the measure is not the way to move legislation nor will it expedite reaching an agreement in an efficient manner. Our vets deserve better than this.

On numerous occasions I have commended Senators WEBB, HAGEL and WARNER for their work to bring this issue to the forefront of the Senate's attention. Their effort has been for a worthy cause, but that does not make it a perfect bill, nor should it be considered the only approach that best meets the education needs of veterans and servicemembers. In fact, the Congressional Budget Office estimates that if their bill is passed, it will harm retention rates by nearly 20 percent. That is the last thing we need when our Nation is fighting the war on terror on two fronts.

Senators GRAHAM, BURR and I, along with 19 others, have a different approach, one that builds on the existing Montgomery GI Bill to ensure rapid implementation of increased benefits. And, unlike S. 22, we think a revitalized program should focus on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

We need to take action to encourage continued service in the military and we can do that by granting a higher education benefit for longer service. And, we need to provide a meaningful, unquestionable transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. S. 22, unfortunately, does not allow transferability. As a matter of fact, 2 days ago, Senators WEBB and WARNER agreed that transferability is a serious matter that merited change. What they proposed, however, does not go far enough and would only provide for a 2-year pilot program. Their efforts underscore the need for debate and further discussion on this important issue. But I applaud them for acknowledging the Congress needs to take a proactive stance and allow transferability of earned education benefits to a spouse or children.

We cannot allow this important issue to be hijacked by the anti-war crusade funded by groups like MoveOn.org and VetsVote.org who are running ads saying that that I do not ''respect their service.'' The accusation is wrong, they know that it is, and they should be ashamed of what they are doing to all veterans and servicemembers. I respect every man and woman who have been or are currently in uniform.

It is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign and as soon as possible. Such legislation should address the reality of the All Volunteer Force and ensure that we pass a bill that does not induce servicemen and women to leave the military; but instead bolsters retention so that the services may retain quality servicemen and women. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

As we move forward with consideration of this supplemental appropriations legislation, we must remember to whom we owe our allegiance—the soldiers, sailors, airmen and marines fighting bravely on our behalf abroad. These brave Americans need this appropriation to carry out their vital work, and we should have provided it to them months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. Unfortunately, it seems we have failed to live up to this obligation today, instead producing a bill fraught with wasteful spending more attuned to political interests instead of the interests of our military men and women.●

Mr. CARDIN. Mr. President, we are here today—after more than 5 years, 4,000 American lives lost, 30,000 wounded, and nearly $600 billion spent—to discuss funding for the wars in Iraq and Afghanistan.

I have always believed invading Iraq was a mistake. I voted against granting our President that authority in 2002. I have opposed, from the beginning the way this administration carried out that effort once begun. Last year, when the 2007 emergency supplemental appropriations bill came before the Senate, I, along with a majority of my colleagues, passed a bill that would have brought our troops home. The President chose to veto that bill. If he had signed it, most of our troops would be home today.

Instead, we now have more troops in Iraq than we did more than 5 years ago when President Bush declared our mission accomplished. The grave costs of his aimless strategy continue to plague us both at home and abroad.

Former President John F. Kennedy said, ''To govern is to choose.'' President Bush has repeatedly chosen to pursue his war in Iraq, despite its costs to our nation. After voters sent an overwhelming message that they wanted a different direction, President Bush charged full steam ahead. In his ''New Way Forward'' speech on January 10, 2007, President Bush announced his decision to place more troops in Iraq.

But even the President recognized, and I quote, ''A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi government to the benchmarks it has announced.'' ''America's commitment,'' he said, ''is not open-ended.''

As General Petraeus stated in a March Washington Post interview, ''no one'' in the U.S. and Iraqi Governments ''feels that there has been sufficient progress by any means in the area of national reconciliation,'' or in the provision of basic public services. And, in fact, only 3 of the 18 benchmarks the Iraqi Government and our Government agreed were important have been fully accomplished.

President Bush, however, has not held the Iraqi Government accountable for its failures as he promised. Instead, he has asked for over $170 billion to stay the present course: arming opposing militias, meddling in intra-Shi'a violence, and tinkering around the edges of the growing refugee crisis. The President wants money for his war, but says he will veto any conditions on those funds or any additional funds this Congress offers for the other urgent needs that face our Nation's troops, our Nation's families, and our Nation's economy.

To govern is to choose. I believe it is past time for a more comprehensive strategy in Iraq under which our current, unsustainable military presence evolves into a longer term diplomatic role. I believe it is past time to hold President Bush to his promise that American support to the Iraqi Government is not open ended.

So I will vote against providing any additional funds for this war until we have a new mission for our Armed Forces. I will also vote against a provision that merely suggests a new mission for United States forces in Iraq. The time for suggestions, pleas, and protests has passed. The President has demonstrated that these fall on deaf ears.

Because our troops remain mired in an Iraqi civil war, we as a nation remain distracted from efforts to combat terrorists and extremists in Afghanistan and Pakistan where they pose the greatest threat. We have stretched our military too thin. We have pushed our troops too far. Beyond the priceless cost in life and limb, the nearly $600 billion and counting we have spent in Iraq has kept us from rebuilding the gulf coast, improving our infrastructure, fixing our schools, and providing quality health care for all.

So far, Maryland has paid over $10 billion for the war in Iraq. With just that share of the cost of the war we could have:

Provided over 2 million people with health care;

Powered over 9 million homes with energy from renewable sources;

Put over 200,000 new public safety officers on the street;

Given over 1 million students scholarships to university; or

Allowed over 1 million children a brighter beginning in Head Start.

To govern is to choose. I am proud to vote for provisions, above and beyond the President's request, that will provide additional funds for barracks improvements, restore $1.2 billion in BRAC military construction funding, and provide nearly $440 million to construct world class VA polytrauma centers.

I am especially pleased to vote to provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. President Bush and some of my colleagues say the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. That is an opportunity we owe veterans who this administration has asked to serve extended and repeated combat tours. A new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

I believe that the Iraqi refugee crisis, international disasters in China and Myanmar as well as an international food crisis require bold action by our government. I am proud to support significant additional aid to Jordan who has accepted hundreds of thousands of Iraqi refugees, as well as disaster assistance and global food aid above and beyond the President's request.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. I find it unbelievable that the President would threaten to veto emergency assistance for Americans in crisis.

So I am happy that this Senate has ignored the President's veto threats and I support provisions that extend unemployment benefits by 13 weeks for all the nation's workers and by an additional 13 weeks in those States with the highest unemployment rates. Extending unemployment benefits helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent on benefits leads to $1.64 in economic growth.

The bill extends a freeze on seven Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for Marylanders and Americans all around the country. This bill also makes critical investments in our infrastructure including roads, dams, and levees; increases energy assistance by $1 billion to low-income Americans facing skyrocketing fuel prices; and provides commercial fishery disaster assistance that could help Maryland's watermen.

These are only a few of the critical investments this bill makes in our Nation. With this emergency supplemental legislation, we chose to address many of the most pressing issues of our time.

Mr. REID. Mr. President, 64 years ago, President Franklin Roosevelt signed legislation that would change the course of American history and greatly enrich the lives of millions of our country's finest minds and bravest souls. That day, President Roosevelt said that the bill ''Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down.''

Since 1944, nearly 8 million veterans have benefitted from the GI bill. Nearly 8 million men and women, home from war, provided with the opportunity to advance their education, get better jobs, and afford a brighter future for themselves and their families. Among them, seven now serve in the United States Senate: DAN AKAKA graduated from the University of Hawaii, CHUCK HAGEL graduated from the University of Nebraska at Omaha, DAN INOUYE graduated from the University of Hawaii and George Washington Law School, FRANK LAUTENBERG graduated from Columbia University, TED STEVENS graduated from UCLA and Harvard Law School, JOHN WARNER graduated from Washington and Lee and the University of Virginia Law School, and JIM WEBB, a Naval Academy alumnus, graduated from Georgetown Law School.

There is no doubt that if you ask any of these seven distinguished Americans, they would tell you that along with hard work, the GI bill was a major reason for their success.

The 8 million veterans on the GI bill became an army of prosperity here at home. They became doctors, teachers, scientists, architects, and, like the seven I mentioned, public servants. They saved lives, built cities, enriched young minds and expanded the opportunities available to a new generation of Americans.

Every dollar invested in the GI bill by the Government returns $7 to our economy—and the returns on our cultural prosperity are impossible to calculate.

In his time, President Roosevelt promised to never let our troops down. Now it is our time to do the same. The new GI bill, sponsored by Senator WEBB and cosponsored by nearly 60 Senators, Democrats and Republicans alike, does just that. It increases educational benefits to all members of the military who have served on active duty since September 11, including reservists and National Guard and it covers college expenses to match the full cost of an in-state public school, plus books and a monthly stipend for housing. This is a bipartisan accomplishment we can all be proud to support.

A small minority of voices in the Bush administration oppose it on the faulty logic that it would decrease retention rates. On the contrary, there is every reason to believe that it would increase recruitment rates.

I urge all of my colleagues to support this crucial bipartisan bill—supported by those among us who have served and understand the military best.

Democrats are committed to honoring our troops in deeds and not just words. This call should be a cause for all of us. Passing this new GI bill will send that message loud and clear.

Once this GI bill reaches the President's desk, I urge him to do the right thing for our troops and veterans by quickly signing it into law.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. BROWN). The Democratic side has 8 minutes 45 seconds remaining; the Republican side has 27½ minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the remaining time on our side be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we had understood that there was a Senator or two on our side who wanted to be recognized before we go to a vote on this issue. But pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Mississippi yield me 4 minutes off the bill.

Mr. COCHRAN. I am happy to yield the distinguished Senator 4 minutes off the time allotted to the Republicans.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I rise to speak about one specific element of the next four votes which has been come to be known as the Webb GI bill; a sincere attempt and a positive effort to try address to the issue of updating the GI benefits.

I regret that that bill is being brought up in isolation and is not being juxtaposed with the Graham-Burr-McCain bill which also does the same thing, only does it in a much better way. I strongly support the Graham-Burr approach, which does not undermine retention while expanding benefits, the GI benefits to veterans.

The problem with the Webb bill, as the Secretary of Defense has said, and

senior leadership in the military have said, is the bill will undermine our ability to retain personnel in the military. That has also been the conclusion of CRS. The reason is because it has such a high incentive for people to leave the military after their first tour of duty in the military in order to take advantage of the educational benefits.

The Graham bill, on the other hand, takes a different approach. It gives even more generous benefits, in many ways, especially to the families of GIs, people serving in the military, but at the same time it increases those benefits with the more years you serve.

So the benefits go from $1,500 after 3 years of service, up to $2,000 after 12 years of service, and the ability to take those benefits and give them to your children or to your spouse is also authorized in the Graham bill, which does not occur in the Webb bill.

That seems to me to be proper approach here. We do not want to undermine retention as we address the issue of improving benefits for people who serve in the military for us. This does not seem to me to be rocket science. It seems to me we should be able to get these two bills together, merge them in a way that produces this sort of a positive response where we significantly expand the benefit to people who have served us, for the ability to get educational benefits after they leave the service but at the same time do it in a way that does not undermine the capacity of the military to retain quality people.

When the Secretary of Defense says this is going to cost us quality people, he is talking about national defense. These are the folks who have been trained to have the skills, who are extraordinary professionals whom we want to encourage to stay in the military. We do not want to create a system where we actually encourage them to leave the military.

The Graham-Burr bill takes the approach of encouraging these folks to stay in the military and allow the benefits to accrue and grow so they can use them or their family members can use them. Thus, I think that is a much more positive and appropriate approach. So setting up the Webb bill as a freestanding vote without any amendments—that is the structure we have got here on the floor, no amendments to the Webb bill; it hasn't gone through committee, it has not gone through regular order, it is being brought to the floor to make a political statement—basically is not constructive to getting the best product and the best benefits for our GIs, and also the best bill to make sure we have the strong and vibrant military in order to defend ourselves and have a strong national defense.

Regrettably I have to vote against the Webb bill until we can get it in a posture where it addresses the issue of retention, where it addresses the issues raised by the Secretary of Defense, raised by the military leaders who work for the Defense Department, and raised by our own congressional study groups. Hopefully we can step back from this issue and do it right and do it in a cooperative way that will actually accomplish the goals which we all want, which is to significantly extend and expand benefits for education to people who serve us in the military, and at the same time encourage retention, at the same time allow these benefits to be passed down to the children of the persons serving us if that is their choice.

I wanted to make that point clear prior to this vote. I appreciate the courtesy of the Senator from Mississippi.

I yield back to the Senator from Mississippi any time I have. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent that 5 minutes be allocated to the chairman of the Appropriations Committee, Senator BYRD, and that the time be added to the base time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President pro tempore is recognized.

Mr. BYRD. Mr. President, last week the Senate Appropriations Committee met for 3½ hours and reported responsible legislation that supports the troops, sets a goal for reducing the scope of the mission in Iraq, honors our veterans, and helps Americans to cope with a sagging economy.

The bill includes $10 billion of domestic funding not requested by the President, less than what the President spends in Iraq in 1 month. Yet the President has threatened to veto the bill if it is one thin dime—one thin dime—over his, the President's—your President, my President, our President—request. He wants this Congress to approve another $5.6 billion—that is $5.60 for every minute since Jesus Christ was born—to rebuild Iraq. Yes, he wants this Congress to approve another $5.6 billion to rebuild Iraq, despite the fact that Iraq has huge—I mean huge—surpluses from excess oil revenues. He wants funding for Mexico. He wants funding for Central America. But the President says he will veto the bill if we add funding for bridges in Birmingham or for help with the high cost of energy bills in Maine or to fight crime in U.S. towns and cities or to aid Katrina victims.

Just yesterday the Director of the Office of Management and Budget repeated the silly assertion that by taking care of America, we hold funding for the troops hostage. This is pure—I am sorry to say, something like horse manure—nonsense. Our legislation includes funds that the President did not request for health care for our troops, for Guard and Reserve equipment, for building and repairing barracks, and for training the Afghans to fight for their own security.

In the amendment on which we are about to vote, we honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina. We roll back Medicaid regulations that our Nation's Governors believe disrupt health coverage for our most vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the Global Food Aid Program. We also provide humanitarian relief to disaster victims in China, Bangladesh, and in Burma.

This amendment includes provisions that have broad bipartisan support, such as funding for Byrne grants and the Rural Schools Program, which runs out of money on June 30, 2008. In the last 18 months, the President has designated 62 disaster grants for floods in 32 States. Yet the President has not requested funding to repair levees, leaving our citizens in Arkansas, Missouri, Louisiana, and other States vulnerable to more flooding. We fund those repairs.

This is responsible legislation that supports our troops, honors our veterans, and helps our citizens to cope with a troubled economy. I urge adoption of the pending amendment.

Mrs. MURRAY. Mr. President, on behalf of all of our colleagues, I thank the distinguished Senator from West Virginia for his work on this appropriations bill and for taking into account all of the important needs across this country in presenting this amendment. I thank him for his words today as well.

How much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 6½ minutes, and the Senator from Mississippi has 19 minutes 50 seconds.

Who yields time?

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. OBAMA. Mr. President, at the end of the Second World War, this country thanked a generation of returning heroes for their service by giving them the chance to attend college on the GI bill. Stanley Dunham, my grandfather, was one of the young men who got that chance. More than half a century later, we face the largest homecoming since then, at a time when the costs of college have never been higher.

Senator WEBB, a former marine himself, along with the leaders of both parties, have introduced a 21st century GI bill that would give this generation of returning heroes the same chance at an affordable college education that we gave the ''greatest generation.''

We have asked so much of our brave young men and women. We have sent them on tour after tour of duty to Iraq and Afghanistan. They have risked their lives and left their families and

served this country brilliantly. It is our moral duty as Americans to serve them as well as they have served us. This GI bill is an important way to do that.

I know there are some who have argued that this will have an impact on retention rates. I firmly believe—and I think it has been argued eloquently on this side—that in the long term, this will strengthen our military and improve the number of people who are interested in volunteering to serve.

I respect Senator JOHN MCCAIN's service to our country. He is one of those heroes of which I speak. But I cannot understand why he would line up behind the President in his opposition to this GI bill. I can't believe why he believes it is too generous to our veterans. I could not disagree with him and the President more on this issue.

There are many issues that lend themselves to partisan posturing, but giving our veterans the chance to go to college should not be one of them. I am proud that so many Democrats and Republicans have come together to support this bill. I would also note that the first GI bill was not just good for the veterans and their families, but it was good for the entire country. It helped to build our middle class. Whenever we invest in the best and the brightest, all of us end up benefiting, all of us end up prospering.

I urge my Senate colleagues to give those who have defended America the chance to achieve their dream. I commend Senator WEBB and the many veteran service organizations that have worked so tirelessly on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield the remaining time to the Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Illinois for his statement. I appreciate that he mentioned his grandfather and others who were helped by the GI bill of rights. There are so many people I know in Vermont who were able to get an education because of that bill.

I also commend the Senator from Washington State. As always, she carries out Herculean tasks on this floor and does it in the best tradition of the Senate.

I thank Chairman BYRD and Senator COCHRAN for their work on this supplemental bill.

The Appropriations Committee has a long tradition of bipartisanship, and the two leaders, the Republican leader and the Democratic leader, have always demonstrated that, just as I have tried in the Foreign Operations subcommittee, working with Senator GREGG and his staff. We worked closely together to make difficult choices, including finding funds for urgent humanitarian needs that the President's budget overlooked.

For the first time, we require the Government of Iraq, which has an oil surplus—with oil selling for over $120 a barrel—to match U.S. funds dollar for dollar. It is time for Iraq to pay a larger share of its own reconstruction. This requirement, included by Senator GREGG and myself, would lessen the burden on American taxpayers.

We provide $450 million to Mexico and Central America, to help our neighbors to the south combat the drug cartels. This is the first down payment on a multi-year program. I spoke in this chamber at greater length about the Merida Initiative yesterday.

We have significantly increased funding for refugees, including Iraqi refugees. I thank Senator GREGG for helping us provide $650 million for assistance for Jordan, and I thank Senator EDWARD KENNEDY for the money included for Iraqi refugees. Thanks to Senators BIDEN and LUGAR, the bill includes essential authority to enable the administration to help dismantle North Korea's nuclear facilities.

As other Senators have mentioned, this bill also provides funds for critical domestic needs, from repairing decaying infrastructure in America to disaster relief for American victims of floods, tornadoes, and other disasters. We are helping to rebuild Iraq and Afghanistan, but we are also providing funds to help the American people the President's budget left out. I wish the President had considered these needs in his supplemental request. He wants to fix roads in Afghanistan, but we also need to fix roads in America. He wants to repair infrastructure in Iraq, but we need to repair infrastructure in America. My State and the States of every Senator are waiting for help from the Federal Government. Working together, both parties, we have addressed important national security interests, but we have also addressed the urgent needs of the American people at home.

The PRESIDING OFFICER. The time of the majority has expired. Who yields time?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we are prepared to yield back the remainder of the time on the bill on this side.

The PRESIDING OFFICER. All time is yield back.

All time has expired.

Under the previous order, the cloture motion with respect to the motion to concur in House amendment No. 2 with amendment No. 4803 is withdrawn, and amendment No. 4804 is withdrawn.

The question is on agreeing to the motion to concur in House amendment No. 2 to the Senate amendment to H.R. 2642 with amendment No. 4803.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—75

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Hutchison	Reid
Bond	Inhofe	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Salazar
Byrd	Johnson	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Craig	Martinez	Thune
Crapo	McCaskill	Vitter
Dodd	Menendez	Warner
Dole	Mikulski	Webb
Domenici	Murkowski	Whitehouse
Dorgan	Murray	Wicker
Durbin	Nelson (FL)	Wyden

NAYS—22

Alexander	Corker	Hatch
Allard	Cornyn	Kyl
Barrasso	DeMint	Lugar
Bennett	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Voinovich
Burr	Grassley	
Cochran	Gregg	

NOT VOTING—3

Coburn	Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion to concur with an amendment is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4816

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4816.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I raise a point of order that chapter 3, section

11312, of the General Provision title violates paragraph 4 of Senate rule XVI in the Reid motion to concur in the House amendment No. 1, with an amendment.

The PRESIDING OFFICER. The point of order is sustained, and the motion to concur to the amendment falls.

The majority leader is recognized.

AMENDMENT NO. 4817

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4817.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to concur in House amendment No. 1 to the Senate amendment to H.R. 2642 with an amendment No. 4817.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—34

Akaka	Dorgan	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Inouye	Reed
Biden	Johnson	Rockefeller
Bingaman	Kohl	Salazar
Byrd	Landrieu	Smith
Cantwell	Levin	Snowe
Carper	Lincoln	Stabenow
Casey	McCaskill	Tester
Collins	Mikulski	Voinovich
Conrad	Murray	
Dole	Nelson (FL)	

NAYS—63

Alexander	Corker	Harkin
Allard	Cornyn	Hatch
Barrasso	Craig	Hutchison
Bennett	Crapo	Inhofe
Bond	DeMint	Isakson
Boxer	Dodd	Kerry
Brown	Domenici	Klobuchar
Brownback	Durbin	Kyl
Bunning	Ensign	Lautenberg
Burr	Enzi	Leahy
Cardin	Feingold	Lieberman
Chambliss	Feinstein	Lugar
Clinton	Graham	Martinez
Cochran	Grassley	McConnell
Coleman	Gregg	Menendez
Murkowski	Sessions	Vitter
Obama	Shelby	Warner
Reid	Specter	Webb
Roberts	Stevens	Whitehouse
Sanders	Sununu	Wicker
Schumer	Thune	Wyden

NOT VOTING—3

Coburn	Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is withdrawn.

The majority leader.

Mr. WHITEHOUSE. Mr. President, I rise to discuss my vote against the previous amendment which both appropriated $165 billion to continue the tragic and misguided war in Iraq, and also included a number of provisions relating to our policies regarding Iraq. I favor many of the policy provisions contained in the amendment, such as requirements that the Iraqi government share in some of the costs of the war and a prohibition against the establishment of permanent military bases in Iraq. I commend my Democratic colleagues in the Appropriations Committee, including my good friend and distinguished colleague from Rhode Island, JACK REED, for their work on these laudable provisions. I also strongly support the provision that requires our intelligence agencies to give access to detainees to the International Committee of the Red Cross. I have worked closely with my colleagues on the Intelligence Committee on this important provision, which is designed to end secret detentions.

While I fully supported some of the policy provisions in the amendment, I could not vote to fund this war in the absence of a firm and enforceable timeline for withdrawal. Unfortunately, it appears that the Republican minority remains intent on filibustering any attempts to mandate a rapid and responsible redeployment of our troops from Iraq. I, along with thousands of Rhode Islanders who have contacted me on this critical issue, oppose spending $4,000 per second on a war that has diminished our national security and damaged our standing in the world. I am hopeful that, under a new President, we can work together to bring an end to this war.

AMENDMENT NO. 4818

Mr. REID. Mr. President, I move to concur in House amendment No. 1 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642 with an amendment numbered 4818.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to concur with House amendment No. 1 to the amendment of the Senate to H.R. 2642 with amendment No. 4818.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—70

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Dorgan	Nelson (FL)
Barrasso	Ensign	Nelson (NE)
Baucus	Enzi	Pryor
Bayh	Graham	Roberts
Bennett	Grassley	Rockefeller
Biden	Gregg	Salazar
Bond	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Specter
Carper	Inouye	Stabenow
Casey	Isakson	Stevens
Chambliss	Johnson	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thune
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Craig	Martinez	Wicker
Crapo	McCaskill	
DeMint	McConnell	

NAYS—26

Bingaman	Feingold	Murray
Boxer	Feinstein	Reed
Brown	Harkin	Reid
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Clinton	Lautenberg	Whitehouse
Dodd	Leahy	Wyden
Durbin	Menendez	

NOT VOTING—4

Coburn	McCain
Kennedy	Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid on the table.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to ask for consent, in a few minutes, to have the override of the farm bill occur at 2 o'clock today. Senator GREGG will have 15 minutes, Senator CHAMBLISS and Senator HARKIN will have 15 minutes divided between them, a total of 30 minutes. That debate will take place before 2 o'clock, and at 2 o'clock we will vote.

I also inform all Members we still don't have particulars resolved on the budget. There are a number of alternatives. We can't do anything on it until we get the legislation from the House. They are going to take that up sometime this afternoon. As I said, the alternatives are, when it gets here we run out—I think there was at least a gentleman's agreement, although not on the record, that the 4 hours we used yesterday would run against the 10 hours, so we would have 6 hours to complete that today. We would vote sometime this evening on that. That is one alternative.

The other alternative is to consider all talking over with. I am sure we need to hear more on the budget, but that would be one alternative. We could come back after the recess at a time—when a vote is this close I think I need authority to determine when the vote would take place, but we would have 15 minutes of debate on that, and then we would vote on the budget. So that is what we are working on. We do not have it done yet.

Mr. MCCONNELL. If the majority leader would yield for a question.

Mr. REID. I will be happy to.

Mr. MCCONNELL. Is the Senator suggesting we do the farm bill around 2?

Mr. REID. Yes. I say to my distinguished colleague, counterpart, we would complete the debate on that and that debate would be 15 minutes with Senator GREGG, 15 minutes divided between Senators HARKIN and CHAMBLISS, a total of 30 minutes. We would do that in the next hour and 10 minutes and then vote at 2 o'clock.

Mr. MCCONNELL. That would be the last vote prior to—

Mr. REID. That, I say to my friend, we don't have resolved yet. We have to work out the time on the budget. I think, even though it is early Thursday and we are used to working late on Thursday and most all day Friday, we could make an exception and try to get out somewhat early on Thursday. But we have to work that out with you folks, as to how we would do the time. We could ask for a show of hands, asking if we want to finish, if we should have the vote tonight. I don't think the show of hands would be helpful to what I wish to accomplish. So we are going to try to do the second alternative, use all the time; when we come back, we will have a time certain—not a time certain but fairly certain—and we will try to have it on Monday or Tuesday when we get back, to have a vote on passage of the budget.

Mr. President, I ask unanimous consent that, when the Senate considers the conference report to accompany S. Con. Res. 70, the budget resolution—

The PRESIDING OFFICER. Can we have order in the Chamber, please. The majority leader.

Mr. REID. Mr. President, I am going to offer two unanimous consent requests. If they are both approved, then we will have no more votes today, other than the one on the override of the President's veto on the farm bill.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the veto message on H.R. 2419 and there be 1 hour of debate—we picked up a half hour. That is what happens when you take a little time off.

I ask unanimous consent that the Senate now proceed to the veto message on H.R. 2419, there be 1 hour of debate, divided as follows: 15 minutes equally divided between Senators CHAMBLISS and HARKIN or their designees, 15 minutes under the control of Senator GREGG, and the remaining 30 minutes to be divided between the leaders or their designees; that upon the yielding back or use of that time, the message be set aside until 2 o'clock; that at 2 o'clock the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 70

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate considers the conference report to accompany S. Con. Res. 70, the concurrent budget resolution, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the vote on the adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would say one thing. It appears we do much better when we don't have debate between votes. See how fast it went today. I think all the talking does is confuse us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the clerk will report the veto message on H.R. 2419.

The legislative clerk read as follows:

Veto message to accompany H.R. 2419, entitled an Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Mr. HARKIN. Parliamentary inquiry: I understand under the agreement, we each have 7½ minutes; that Senator GREGG has 15 minutes; and the two leaders have reserved 15 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, again for Senators and those staff who are watching, now we are on the override of the veto of the farm bill conference report we passed here last week.

To remind everyone, that bill, as you know, passed here overwhelmingly 81 to 15, a remarkable margin for a farm bill. It was widely supported on both sides of the aisle and by regions of the country, so we were very pleased with that outcome and that vote.

Of course it had passed the House with 318 votes; so again a very strong vote on the bill. It went to the President. We were hoping that maybe he would not veto it, but the President did exercise his constitutional right and he vetoed the bill.

The farm bill came back to the House yesterday and the House overrode the veto 316 to 108. So basically what we have before us is exactly what we voted on last week and approved with 81 votes but for one thing: The farm bill is missing a title.

Let me try to be as succinct as I can in this. What happened is when the enrolling clerk on the House side enrolled the bill and sent it to the President, the clerk did not put in title III, which includes the several Department of Agriculture trade programs and food assistance programs for foreign countries, mainly the P.L. 480, Food for Peace Program, the delivery of which goes through USAID, and other programs. So the President vetoed the enrolled bill which is missing that title. Well, I know Senator CHAMBLISS and I and others have had numerous phone calls and conversations with Parliamentarians and others to figure this out. The enrolled bill is properly attested to and fully effective and valid as to all of the provisions it contains. We will have to enact title III in another legislative measure. Again, I remind everyone, its omission was inadvertent. It was an innocent mistake; maybe inexcusable, but nevertheless an innocent mistake that title III was dropped out.

But for that title III, everything else in this bill is exactly what we approved with 81 votes. So I am here to ask Members to vote to override the President's veto and to make this bill the law of the land in accordance with the overwhelming wishes of both the Senate and the House.

This bill is a good bill, as I said earlier. It responds to needs all over this country, from farmers and small towns and rural areas to Americans in urban areas. The largest part of the bill is nutrition and food assistance. Over two-thirds of the total spending in this bill goes to nutrition. This bill does more to strengthen Federal food assistance than any bill we have passed since George Herbert Walker Bush was the President.

This bill does a lot for food assistance for low-income people. Basically all the added money above the budget baseline that we put into this bill goes for nutrition. We increase the food supplies to food banks. Our Nation's food banks are getting hit pretty hard. We put $1.2 billion into supplying them with more food. I might add, one of the reasons we must enact this bill in a hurry is because food banks are hurting. As soon as this bill becomes law with this override, $50 million will get out immediately to our food pantries and food banks across the country.

We also in this bill, as you know, provided more money to help growers of specialty crops, fruits and vegetables, than we ever have before. We include in this legislation a higher level of funding than in any previous farm bill for helping farmers and ranchers in conserving our natural resources, saving soil, cleaning up our water and our streams, protecting wildlife habitat.

Look at it this way: Of the combined total spending in this bill on commodity and conservation programs, 41 percent of that total is devoted to conservation. That is slightly more than double the highest percentage share for conservation in any previous farm bill.

The rural development title helps rural communities through a number of new initiatives, including a stronger broadband program, and by devoting mandatory funding for water and wastewater systems to fund some of the tremendous backlog of qualified applications that are on hold.

We have in this bill several important initiatives and improvements in programs to help beginning farmers. We improve the farm income protection system in various ways, including for dairy farmers, yet attain budget savings in the title of the bill covering commodity programs. We have a new option in here, a new reform, called the Average Crop Revenue Election, or ACRE, Program. This is going to be very significant for farmers to be able to choose whether to stay under the current farm program or do they go to the new program of income protection based on revenue.

I read the editorial in the Washington Post this morning and, of course, they have never editorially, as far as I know, ever supported a farm bill, at least in my time here. I have to take exception to one thing they said in the editorial this morning. They are talking about the ACRE Program, claiming how it will be some kind of boondoggle for farmers. They say here:

> [It] means farmers would get paid if prices fall back to the historical and, for farmers, perfectly profitable norms.

If the prices that our Nation's farmers receive for their grain and other commodities fall back to what the Washington Post calls ''historical norms,'' we will have tremendous economic hardship in the countryside. Here is why I say that: What the Post is missing is that from 2002 to 2009, the production costs for farmers have skyrocketed. The gasoline prices we are paying at the pump, farmers have got to pay even more for the diesel fuel for their tractors, for their combines. For example, fertilizer costs for producing corn are up 141 percent in 7 years. From 2002 to 2009, the cost of production for corn is up 22 percent; soybeans up 28 percent; wheat up 28 percent.

Now, if prices, God forbid, should fall to the levels they were before 2002, farmers will be wiped out all over this country. We will have bankruptcies and families forced out of farming on a huge scale.

That is why we have the ACRE Program to reflect the new realities, the new realities of what farmers have to pay for their fertilizer, their fuel, their equipment, their land. All of these expenses have gone up tremendously. We need a program that helps farmers deal with those higher costs and potential volatility in market prices for commodities, and that is why we put this new program in. It is a reform. It is one of the features of this bill that I believe will help family farms survive in America. So, again, this is a good, solid bill, the same bill we voted on last week minus title III, which we will enact later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, as my chairman said, I think everything that could be said about this bill has been said. We were on the floor off and on for a couple of weeks, and we, at the end of the day, after a lot of controversial votes and whatnot, achieved a milestone in the Senate for farm bills; that is, we had 81 Members of the Senate who voted in favor of this bill. It is not a perfect bill, but it is a very good bill for any number of reasons.

In the commodity title, we are spending significantly less money on our so-called subsidy program. I refer to it as an investment by the Government in agriculture, because that is exactly what it is. We are not guaranteeing farmers any kind of income. In fact, under the way this bill is written, the prices being what they are at the farm gate today, very little, if any, in the way of payments is going to be going from Washington to farmers. That is the way it ought to be. That is the way farmers want it. They would rather get the stream of income from the marketplace. Certainly that is the way we, as policymakers, want to see it happen. That is what will happen.

We have made significant changes in the payment limit provision. We have AGIs in this bill now that have never been thought of before. Nobody ever thought we would achieve the number we did from an AGI standpoint. But it is real reform. It is going to work.

We are also eliminating the three-entity rule. Again, if you had told anybody in this distinguished Senate 3 years ago that we would be eliminating the three-entity rule in the farm bill, you would have gotten blank stares. Nobody ever thought that would happen, but we were willing to make those kinds of reforms.

In the conservation title, we have expanded a number of programs, but we have done something significant in the conservation title. For the first time ever we are applying payment limits to the conservation title. So the so-called millionaires that have been beneficiaries of the conservation title in years past are no longer going to be able to participate in that program, and they should not.

I am pretty excited about the energy title. In my part of the world, we do not grow corn with the abundance that the Midwest part of the country does. Therefore, we are a little bit handicapped when it comes to the construction and manufacturing facilities to produce ethanol. Because out of the 201 ethanol-producing facilities that are in place or will be in place over the next 18 months, all but 2 of them are resourced with corn. The two that are not resourced with corn happen to be resourced with cellulosic products. One of them is in my State.

I am very proud of the fact that we are going to have a facility in Soperton, GA, that is under construction right now by Range Fuels that is going to produce ethanol from pine trees, because I will match our ability to grow a pine tree with anybody else in the country. It is a resource that is not going to increase the cost of food, which is an unintended consequence of the use of corn for the production of ethanol.

The title I am just as excited about is the nutrition title. We are seeing an expansion of the nutrition title again like none of us ever imagined we would see in this farm bill. Most people across America think because of what they read in the Washington Post and the Wall Street Journal and the Atlanta Constitution that farm bills are strictly payments to farmers when, in fact, about 11 percent of the outlays in this bill go to the commodity title which goes to farmers.

About 73 percent of the outlays in this bill go to the nutrition title to provide for the food stamp program, to provide for the school lunch program, to provide for payments to our food banks. All of those programs are designed to feed people who are hungry and needy in this country. We are the most abundant country in the world from an agricultural standpoint. We have the ability to feed people inside of America as well as outside of America, and we have an obligation to do that. In the nutrition title, that is exactly what we are going to be doing.

This is a bill that has been talked about an awful lot. And, again, it is not a perfect bill. There are some provisions in it that I wish were not in it. But it is a massive piece of legislation, as is every farm bill, and we have to reach compromise to be able to get a bill of that massive size passed by the House and by the Senate.

We did accommodate the White House. We negotiated very diligently with the White House. We moved a long way in the direction of the White House. They did not get everything they wanted, and we did not get everything we wanted. At the end of the day, we passed it with a big vote. And the White House, unfortunately, decided we did not move far enough for them. Obviously that caused the President's veto to the bill. At the end of the day here today, we are going to have at least 14 of the 15 titles hopefully passed into law.

I do not know what happened to the one title. They tell us that a clerk on the House side failed to include 33 pages of title III in the bill that was transmitted from the House to the White House.

Those things happen. Now it is up to us to figure out the best way to efficiently and in an expeditious manner fix the problem and move ahead to allow farmers and ranchers to have some certainty as they move into the planting season of 2008.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand I have 15 minutes under the prior order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, we are here to vote on the override of some portion of the farm bill which the President has vetoed. First, there is the great irony that the bill we are voting on isn't the bill that passed the Senate or the House. It is some element of that bill, other parts of the bill having not made it to the President. That sort of becomes an allegory for this entire exercise. This is a bill that really doesn't do the job it should, is incomplete in the sense that it fails the American taxpayer and consumer, and is misguided in that it spends a great deal of money, perverting the marketplace relative to the production of agricultural products. But we are here because of what was a bureaucratic snafu, I presume.

We all know the President's veto is going to be overridden, but the President was right to veto this bill. He was absolutely right. I said earlier—I know my colleagues take this in the sense of irony with which I make it, not in any personal way—this bill truly is a product of commissar politics, of the old approach that we saw years ago in countries that thought that they could have a top-down management of their farm production system.

I said in my earlier talk, where did all the economists who worked in the Soviet Union go, all those folks who sat behind desks and thought about 5-year plans and how to disconnect supply from demand and how to set arbitrary prices which caused the Soviet Union, a nation which was one of the great producers of agricultural products, to become basically a net importer of product? Where did all those economists go when the Soviet Union failed? It appears they moved to the Midwest and the South and developed our farm programs.

These programs have no relationship to the market or setting prices for commodities, which are basically totally out of tune with the market. They have no relationship to market forces. As a result, the American consumer ends up with a much higher bill and the short end of the stick.

Take sugar alone. Sugar prices in this bill are at least twice the world price for sugar. So the American consumer ends up getting hit for a much higher cost for any product that uses sugar. And just about any food commodity of any complexity uses sugar.

In addition, you have the huge effort to subsidize ethanol, which has driven up dramatically the price of corn and has the effect of basically creating an international incident in the area of food availability. We are hearing from numerous countries around the world that are finding they have shortages of other commodities because the American subsidization of ethanol has perverted the marketplace relative to the production of corn. That certainly is inappropriate. So the policy of this bill is not only an attack on the American consumer, it is basically bad policy for the world population just trying to make it through and avoid hunger.

In addition, this bill sets up all sorts of new programs, programs which make no sense on their face but which are in here because they have somebody who is protecting their initiatives, their ideas, their purposes. We have a new program for asparagus, a new program for chickpeas, an initiative for a National Sheep and Goat Industry Improvement Center, a new program that creates a stress management network for farmers. Then, according to the Washington Post—and I was not aware of this—there is the potential for a $16 billion boondoggle for agricultural products because of the new way that prices are set and payments are made, setting prices at their present high level, setting subsidy rates at their present high level under this new program called ACRE.

I ask unanimous consent to print in the RECORD the editorial of today's Washington Post which does a much better job than I of explaining how outrageous this new subsidy is and how much it will cost the American consumer, $16 billion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 2008]

PASTURE OF PLENTY: YOU THOUGHT YOU KNEW HOW BAD THE FARM BILL WAS

''Life is like a box of chocolates,'' Forrest Gump's mother used to say. ''You never know what you're going to get.'' The same could be said of federal agricultural legislation. Arcane and often irrational, its subsidy provision can be difficult to understand and, sometimes, even difficult to identify. Even after Congress passed a subsidy-riddled 673-page farm bill last week, with a price tag conservatively set at $289 billion, it was not entirely clear just how big a burden lawmakers had imposed on taxpayers. Now, however, the fine print is coming into focus, and—surprise!—the bill could authorize up to $16 billion more in crop subsidies than previously projected, according to the Agriculture Department.

The culprit is a new program called Average Crop Revenue Election, or ACRE for short. ACRE gives farmers an alternative to direct payments, which come regardless of how much money they make, and other subsidies. Starting in 2009, farmers can choose to trade in some of their traditional subsidies in return for a government promise to make up 90 percent of the difference between what they actually made from farming and their usual income. In principle, this provides farmers a federal safety net only in those years when prices or yields fall drastically—that is, when they really need one. Congress added the optional ACRE program to the bill as a sop to reformers who, sensibly, wanted to replace the current subsidy system with a simpler insurance-style program. Such a wholesale change would, indeed, have been a real reform. But since the farm bill continued direct payments and other old-style subsidies, no one expected huge numbers of farmers to volunteer for the new ACRE deal.

Then farmers got a look at the bill's formula for determining benefits under ACRE. It pegs the subsidies to current, record-high prices for grain, meaning farmers would get paid if prices fall back to their historical and, for farmers, perfectly profitable norms. A program that started out as streamlined insurance policy against extraordinary hardship has mutated into a possible guarantee of extraordinary prosperity. Small wonder that, as The Post's Dan Morgan reports, a farming blog is urging farmers to sign up for ACRE, which it describes as ''lucrative beyond expectations.''

The farm bill's defenders insist that a budgetary disaster will not come to pass, because grain prices will not come down much during the five years the bill will be in effect. ''The program does not look excessively expensive for the lifetime of the farm bill,'' said Rep. Robert W. Goodlatte (Va.), the ranking Republican on the House Agriculture Committee. In other words, even if they don't have to pay extra for ACRE, Americans will have to pay higher food prices—so they may as well get used to it. None of the legislators who rushed to override President Bush's veto of the bill yesterday will have the decency to blush the next time they pontificate about fiscal responsibility. But we can only wonder what other expensive surprise still lurk within this profoundly wasteful legislation.

Mr. GREGG. This bill has a lot of substantive problems. It probably will aggravate food consumption for nations around the world, their ability to produce product, and certainly dramatically increase the cost of product in the United States. It perverts the marketplace so a product that might be produced more efficiently would not be produced more efficiently. It spends a heck of a lot of money, $289 billion.

As we have seen, once again, it uses all sorts of budget gimmicks—when it was originally passed, and it will have to be replaced, or parts of it will because of the bureaucratic snafu—to get around the rules of the Senate and the

House, for that matter, in the area of trying to discipline spending. There is $18 billion worth of budget gimmicks in this bill.

Then we just had a new budget avoidance exercise when the chairman of the Budget Committee declared that the new baseline under a new budget—this bill would have violated the original baseline, as was in that new budget—will now be adjusted so this bill would not violate that baseline—another exercise, unfortunately, in gaming the pay-go rules. The budget chairman has a right to do that, but it cannot be denied that is an effort to try to get around pay-go rules, as they should be applied under the budget we will be passing the week after next. So there is 18 billion dollars' worth of budget gimmicks in this bill; the worst, of course, the changing of years and the assumption that some program, which we know is going to continue, will terminate at an arbitrary date so that you can spend the money up to that date and claim there is no budget failure and, then, later on, adjust it, put the program back in place, and avoid the budget pay-go rules—really inappropriate, to say the least, in the way this has been handled.

It is, of course, a bill that comes to the floor every 4 or 5 years. But the problem is, every 4 or 5 years the American consumer gets basically hit beside the head by this bill. Last time I spoke, I said they get hit beside the head with a lamb chop and they end up with a black eye the next day. As a result, I thought I would just stay away from that statement. But the fact is, the American consumer isn't doing very well under this bill. The American taxpayer is doing worse.

There is a claim that there is reform in this bill which is fairly specious on its face, considering all the new programs added to the bill, such as asparagus. One of the reforms they claim is that they are not going to pay farmers who have high incomes outrageous subsidies. Today you can get $2.5 million theoretically.

Well, unfortunately, the way the bill is structured, they say that, but that is not the way it works. Under this bill, a person with $500,000 of nonfarm income and $750,000 of farm income can still get the subsidy. If they are married, their spouse can have $500,000 of nonfarm income and $750,000 of farm income, so they end up basically with approximately the same amount of subsidy. Yet it is alleged this is some sort of major reform. It is not reform. It is simply an attempt to obfuscate the fact that these subsidies go to extremely wealthy people on products that should compete in the marketplace for a price and should not be subsidized in the manner in which this bill subsidizes.

Obviously, we are going to lose this vote because the way the farm bill is put together—and the American people should know this—one commodity goes to the next commodity and says: We will vote for your commodity, even though it is in my State and not in yours, as long as you will vote for my commodity which is in my State but not in yours. You go around the country and you pick up commodities. That is why asparagus has appeared here. Somebody in an asparagus district said: If you will cover asparagus and give us a new subsidy, you will get my vote for all the other subsidies in this bill.

That is the way it works. It is called log rolling. That is the historical term that comes out of the 1800s. But it is not the way to legislate. Certainly, it isn't a healthy way to legislate. It certainly takes the concept of using the market completely out of the exercise of developing a farm bill.

This farm bill runs counter to all the concepts of a free market society from which this country has benefited so dramatically and which we believe to be true and effective ways to produce product and control costs and to make product more cost-effective for the people who use it. Adam Smith was right; Karl Marx was wrong. Under this bill, one would think Karl Marx was right and Adam Smith was wrong. This is top down, let's manage the economy, let's set arbitrary prices that have no relationship to production, supply, or demand in place of going to a market where you use supply and demand to determine what will be produced.

I suppose if Patrick Henry were around today, his famous statement would have to be modified. He would have to say: Give me asparagus or give me death. That is what this bill has come down to.

We either get these farm subsidies and get the consumer rolled and the taxpayer rolled or we don't get anything around here.

As a practical matter, I, obviously, know I will lose this vote. The President knew he was going to lose this vote when he vetoed the bill. But he was absolutely right in doing so. It was the appropriate decision. It was the fiscally responsible decision. It was also a good decision from the standpoint of not only domestic policy but international policy, where we are seeing strains on production of commodities for the purposes of feeding people.

I regret we are going down this path one more time. We have been down it a few times in the past. But the simple fact is, the forces that support, for example, the sugar subsidy are too strong to be able to give the taxpayers a break.

I reserve the remainder of my time and yield the floor.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. Displays of approval or disapproval are not appropriate from the galleries.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the leader on this side has 15 minutes reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I yield whatever time the Senator from North Dakota desires from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Could the Chair alert me after I have consumed 10 minutes?

The PRESIDING OFFICER. The Senator will be notified.

Mr. CONRAD. Mr. President, we ought to get straight world agriculture economics. The Senator from New Hampshire, for whom I have high regard, has been a consistent opponent of a national agriculture policy, one that has produced for our country the lowest priced food in world history, measured by a share of our national income. Not only do we have the lowest cost food in the history of the world as a share of our income, we also have the safest supply, the most stable supply, the most abundant supply. Something is working. Beyond that, he does not deal with world agriculture as it is.

Our major competitors are the Europeans. We have about equal shares of the world market. But here is what they do to support their producers versus what we do to support ours. They are spending $134 billion to support their producers while we spend $43 billion. That is more than a 3-to-1 ratio.

What happens if you pull the rug out from under our producers? Mass bankruptcy. It is one thing to ask our producers to go up and compete against the French farmer and the German farmer. They are happy to do that. It is quite another issue to compete against the French Government and the German Government as well. That is not a fair fight. That is why it is essential we have a farm policy in this country.

Now, my colleague on the other side said a whole series of things about the cost of this bill, the scoring of this bill, that are not so. This administration has said this bill costs $20 billion more than the baseline. No, it does not. According to the Congressional Budget Office—that is independent, that is nonpartisan, that is professional—this bill costs $10 billion above the baseline. End of story. What the administration is talking about and what the Senator from New Hampshire is talking about are fictional numbers based on made-up scorekeeping that the administration has never applied to its own legislation or budgets.

Under Congressional Budget Office scoring, our farm bill spends $10 billion baseline over the budget window. That is not my number; that is the number from CBO, which is nonpartisan, professional, and independent.

The $10 billion is offset with $10 billion in outlay reductions from Customs user fees. Every penny of new spending is paid for.

On the tax side, we are paying for agriculture tax relief with agriculture tax reforms, such as a reduction in the ethanol credit and Schedule F reforms to limit the use of farming losses to

shelter off-farm income. There is no tax increase.

The administration argues the farm bill contains timing shifts. That is true. But that is also true of almost all major legislation dealing with revenues or mandatory spending. That is what we do to true up the numbers between the timeframes where various budget requirements are imposed. The simple fact is, when you do major reform such as we are doing in this bill, you change programs, you change payment schedules. That is precisely what one would expect. These changes have real-world consequences for farmers. They are making crop insurance payments earlier, for example, under this bill, and getting farm program payments later. That has a real-world cost.

The administration has repeatedly used timing shifts, itself, in legislation it has proposed. In fact, the timing shifts in this bill pale in comparison to the cost of sunsetting the tax cuts which the President had in his tax packages repeatedly.

Now, in terms of where the money goes, 66 percent of the money in this bill goes for nutrition—two-thirds. Nine percent goes for conservation. Only 14 percent—actually, less than 14 percent—goes for the so-called commodities. That is a dramatic reduction from the last farm bill. In the last farm bill, three-quarters of 1 percent of the Federal budget went to support commodities. In this bill, it is one-quarter of 1 percent of the entire Federal budget going to support farmers and ranchers. That is a dramatic change.

The Senator from New Hampshire mocked the reform elements in the bill. They are not to be mocked. They are very real. We have a dramatic reduction in the adjusted gross income limits that will apply in order to qualify for farm program payments. One example: Nonfarm income used to be a $2.5 million limit. It is reduced to $500,000 in this bill.

We require direct attribution in this bill. That means it has to be a living, breathing human being collecting these payments; no paper entities. We have eliminated the three-entity rule that was consistently used to get around farm program limits. We have reduced direct payments by $300 million. We have reformed Schedule F to prevent the abusive use of nonoperating losses to shield nonfarm income—a savings of over $450 million. We have crop insurance reform of over $5.6 billion. We have decreased the corn ethanol support by $1.2 billion.

We have eliminated these so-called cowboy starter kits where people down in certain States were selling farm and ranchland off as subdivisions and having a farm program payment go with those lots, those 10-acre lots. We brought a screeching halt to that abuse.

The disaster assistance in this bill is budgeted and paid for. In the last 3 years, every State in the Nation has received disaster payments—every State—none of it budgeted for, none of it paid for. These disaster provisions are budgeted and paid for, and they further reform disasters because in the past you could have losses on one part of your operation, even though you had gains on the rest of it, and still get a disaster payment. Under this proposal, under this new law, if you have not had losses on your whole farm operation—disaster losses on your whole farm operation—you are not going to get a disaster payment.

I wish the Washington Post, when they write their editorials, would bother to read the legislation they are critiquing because clearly they do not know what they are writing about.

The final point I want to make: The Senator from New Hampshire, the ranking member of the Budget Committee, who is my friend, somebody for whom I have respect and affection, suggests over and over that somehow this is not paid for, that it is going to add to the deficit. No. The Congressional Budget Office, who are the official scorekeepers, and the Joint Committee on Taxation have scored this bill. This is what they say. We reduce the deficit over 5 years by $67 million; over 10 years, by $110 million. This bill is fully pay-go compliant—fully. This bill is paid for. It is paid for without a tax increase.

One final point: The Washington Post wrote another egregious story the other day saying: Oh, there is this $16 billion additional cost that might be out there. Yes, and elephants fly. Look, when are they going to get objective in their reporting at the Washington Post? They have suggested there might be this $16 billion cost. Really? There also might be $16 billion of savings. A lot of things could happen. You know—lightning strikes. A lot of things could happen.

Look at the last farm bill. We brought that in $17 billion in the commodity provisions below what was forecast at the time. Did the Washington Post ever write a story about that? Did they ever? No.

This bill is paid for. It is paid for without a tax increase. The professional scoring of this legislation is that it is $10 billion over baseline, completely paid for, without a tax increase.

Mr. DURBIN. Mr. President, I rise to address the importance of the nutrition assistance title of the farm bill. The bill goes a long way toward ensuring that families in America will have food on their table, even when times are tough. The bill also clarifies that their rights to certain nutrition services are enforceable.

Sections 4116 through 4118 of the bill specifically reinforce Congress's longstanding intention that the Food Stamp Act's provisions and its regulations are fully enforceable and should be enforced. The courts have historically and correctly understood Congress's intent that low-income households have the right to enforce these provisions.

The language of the Food Stamp Act and its implementing regulations—parts 271, 272, 273, and so on—have the kind of clear language required for judicial enforcement. We made sure that they are mandatory, not aspirational, and that they set out requirements for how each individual is to be treated, not general program-wide goals. They clearly define the benefited class as low-income people receiving or seeking food assistance. Nothing in the act or regulations suggests that substantial compliance overall excuses denying any individual the benefit of these rules.

Along with oversight by the Department of Agriculture, lawsuits by families participating in food stamps are one of the ways we can ensure the Food Stamp Program fulfills its purpose. Indeed, it is partly because applicants and recipients can and do bring lawsuits to enforce program rules that the Department has not been required to withhold funds from States to enforce service standards in the program.

This legislation also makes explicit that various civil rights laws are binding in the Food Stamp Program. This is not a change—these laws and their regulations have applied since they were written, and both have been intended to be fully enforceable. This legislation just reiterates a point that we hope and believe was already clear.

None of this would have been a question until two recent, unfortunate court decisions. The first case, Reynolds, comes from the Second Circuit. It applied a standard of analysis that departed from all prior Federal court precedent and held that applicants and recipients could hold a state accountable for the maladministration of the program by local food stamp agencies only in the rarest of circumstances. The act is and has been clear that States are responsible for full compliance with all applicable regulations. States' responsibility is no less because they have chosen to have counties or other local agencies operate the program for them. The option of local administration exists only as a courtesy or convenience to the States, not to reduce their accountability. The State is just as responsible for what the local agency does as if the State agency performed those acts itself. This legislation emphasizes that point.

In the other case, called Almendarez, a Federal district court refused to consider a suit brought by low-income people who need assistance in a language other than English to apply for food stamps. The Department's regulations clearly provide rights for families that need language assistance. Now the act explicitly confirms that those regulations are enforceable. Future cases can be decided on the merits, as they should be.

This bipartisan legislation goes a long way toward providing food for working families, and providing the security of knowing that help is enforceable by law. I thank the chairman and

the committee for their tremendous work.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Parliamentary inquiry, Mr. President: How much time remains on both sides?

The PRESIDING OFFICER. If the Senator from Iowa will hold for a second—the Republican leader has 14 minutes, the Senator from New Hampshire has 2½ minutes, the majority side has 11 minutes.

Mr. HARKIN. Eleven minutes.

Mr. President, I understand that, obviously, in a quorum call the time is taken evenly off of both sides. Since we have 11 minutes left, I yield myself 4 minutes of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, would the Chair please remind this Senator when his 4 minutes have elapsed?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. HARKIN. Mr. President, I want to respond to a couple things my friend from New Hampshire said. He talked about the sugar provisions in the bill and the support price of sugar, that it is over world prices. I always point out to people that when you go in a restaurant, or anywhere you go to eat, the sugar is free. You get these little packs of sugar wherever you go. You go to Starbucks, you get free sugar. You go to the airport, and you go down and get a cup of coffee, or something like that, there is free sugar. It cannot get much cheaper than that.

Does anyone believe if we were to drop these sugar support prices down about 50 percent—which is what would happen with what the Senator from New Hampshire wishes to have happen—do you believe candy prices are going to go down? Do you believe food prices are going to go down? Come on. It just means that the manufacturers, the processors will just make more profits, that is all, and our nation's sugar farmers won't. So you can't get much cheaper than free when it comes to sugar when you go into your restaurants and coffee shops and places such as that.

The next thing the Senator talked about is the $16 billion that the Washington Post keeps talking about in new spending because of this new program, this new option we have, this new reform program. That is a doom's day scenario. Sure, if the bottom falls, if commodity prices fall 40 percent, yes, we could see significant expenditures. But even the Department of Agriculture in this administration has said they don't expect prices to decline much if at all over the next 12 to 18 months. As pointed out earlier, because of the increased prices of fertilizer, fuel, equipment—all of the input costs of agriculture—if these prices drop to where they were 8 years ago, Lord help us. We would have real economic hardship in rural America. So we have this new program in the bill to help farmers deal with the new economic realities in agriculture.

So, yes, you can take a doom's day scenario, but we don't plan our lives around the fact that we have perhaps a 1 in 40 million chance of getting hit by an asteroid. We don't plan our daily excursions by the fact that we face on the order of a 1 in 50,000 chance that we could get hit by a tornado or struck by lightning. Of course you can always have doom's day scenarios. That is not how we crafted this new program nor is it a reasonable way to judge it. We planned it in relation to what is really happening in agriculture.

The last thing the Senator said was something about logrolling, where some members will help other commodities or regions and then in return members who have been helped will support policy for other commodities in a different area. That is a total distortion of how this process works. The fact is, in my area in Iowa, we don't grow cotton and peanuts, let's face it. We just don't. I don't have much expertise in that area, to be honest about it, so I rely upon Senator CHAMBLISS or Senator COCHRAN or those Members from other parts of the country who know their agriculture. They know those commodities. So we rely upon their expertise. You bet we do. I hope they rely a little bit on our expertise when it comes to crops such as wheat and corn and soybeans and other crops. The same goes for ranches. The distinguished Presiding Officer comes from an area of the country where they have ranches. We don't have ranches in Iowa, so I rely upon the Presiding Officer, who is on the Agriculture Committee and who knows a lot about ranching and what it means in his part of the country and what it means to have livestock and livestock producers who run ranches. The Presiding Officer also knows what it means for this nation to shift to new and renewable forms of energy, including cellulosic energy, which he has been a leader on. So we rely upon each other for this kind of expertise. That is not logrolling; that is just recognizing that different Senators who come from different parts of the country have different expertise, and they can bring that expertise to the Agriculture Committee. That is exactly how we develop these farm bills. It is not logrolling, it is simply recognizing that we want this legislation to work effectively everywhere across the nation, regardless of the commodities grown or region involved, and to cover the whole broad range of issues and challenges encompassed in this bill.

That is why I think we have a very good bill here. As my friend Senator CHAMBLISS said, of course we don't agree with every single thing in it, but that is the art of legislation, which is to compromise and to work things out so that we can get good bipartisan support and multiregional support. We did that in this farm bill. You can't get much more bipartisan than 81 votes in the Senate or 318 votes in the House. When you have that kind of overwhelming support, then you know you probably have a good bill.

So, again, I urge Senators to vote to override the President's veto.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

FEDERAL GOVERNMENT ENERGY USE

Mr. WARNER. Mr. President, Senator BINGAMAN and I will be introducing in the Senate today a resolution to express the sense of the Senate regarding the use of gasoline and other fuels by the departments and agencies of the Federal Government. We simply refer to all of the problems we see every morning, as we get up, in the papers and on the television about how families are coping with this gas problem. We simply say in a respectful way in the last paragraph—I will read it:

> It is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by departments and agencies.

I thank my colleagues. The full text will be available to all Members this afternoon. It is not as if we will be able to vote on this, but it will be some message to take back home that you are in support of it.

Mr. CHAMBLISS. Mr. President, I request to be added as an original cosponsor.

Mr. GREGG. Mr. President, I also request to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are automatic under the Constitution.

All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DEMINT (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 82, nays 13, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—82

Akaka	Dodd	Menendez
Alexander	Dole	Mikulski
Allard	Dorgan	Murray
Barrasso	Durbin	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Biden	Feinstein	Reid
Bingaman	Graham	Roberts
Bond	Grassley	Rockefeller
Boxer	Harkin	Salazar
Brown	Hatch	Sanders
Brownback	Hutchison	Schumer
Bunning	Inhofe	Sessions
Burr	Inouye	Shelby
Byrd	Isakson	Smith
Cantwell	Johnson	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Stevens
Chambliss	Landrieu	Tester
Clinton	Lautenberg	Thune
Cochran	Leahy	Vitter
Coleman	Levin	Warner
Conrad	Lieberman	Webb
Corker	Lincoln	Wicker
Cornyn	Martinez	Wyden
Craig	McCaskill	
Crapo	McConnell	

NAYS—13

Bennett	Hagel	Sununu
Collins	Kyl	Voinovich
Domenici	Lugar	Whitehouse
Ensign	Murkowski	
Gregg	Reed	

ANSWERED ''PRESENT''—1

DeMint

NOT VOTING—4

Coburn	McCain
Kennedy	Obama

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 13, one Senator responding present. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, now that we have had this vote on the veto of the conference report, none of us had wanted to have to override a veto. As we move ahead now, because of the technicality and the little glitch that we have had, we are not sure where we are going to be when we come back, but there is going to be, possibly, the chance that we are going to have to take up the full bill again as the House did and passed it with a big vote. Over the next several days, I hope maybe these waters will smooth out, and we can move ahead with the concurrence of the White House so farmers and ranchers will have some dependability on what type of programs we are going to have out there for them.

Let me say again to my chairman, Senator HARKIN, it has been a pleasure to work with him and Senator CONRAD, who has been such a great ally in this process. It was great leadership to get us to where we are now. Thank you on behalf of all farmers across America. Senator BAUCUS and Senator GRASSLEY have been so valuable in our process. We named all the staff the other day, but we wouldn't be where we are without them.

Mr. President, I thank you and everybody have a safe holiday.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I associate myself with the remarks made by my good friend from Georgia, Senator CHAMBLISS. This has been a long effort. We worked very hard on this bill. I wish to reassure Senators, this is a good bill. I know there are some editorials out there written about it in the Washington Post and other publications. That is all part of the process of debating and enacting legislation. But you have to think, a lot of those editorials are written by those who likely have never supported a farm bill anyway, so there you go. It is like anything else, is this bill exactly what I would have wanted or Senator CHAMBLISS would have wanted or Senator CONRAD would have wanted or anybody else? No. But that is the art of legislation. It requires cooperation, bipartisanship, compromise, and getting legislation through that benefits all of our country.

As I have said many times, this farm bill benefits everyone from farmers and ranchers, people in small towns such as my hometown of Cumming, population of 162, to people who live in New York City.

The fact that we had 82 votes now on the override—81 before on the conference report on the bill—and the overwhelming votes in the House, I believe indicates people understand this is a broad bill that covers every American—not just farmers, not just ranchers but everyone. It is good for our country, good for our future. It is a bill that will make sure we will continue to have an abundant, safe, affordable supply of food for our people in this country, that we help low-income families put food on their tables and that we help farmers and ranchers conserve and protect our nation's priceless resources for present and future generations.

This bill helps us move ahead to producing energy from cellulosic materials—we have laid the foundation for having that in the future. Just as we laid the foundation before for grain-based ethanol, now we have laid the foundation for cellulose-based ethanol in the future.

It is a good bill, good for America. Again, I thank Senator CHAMBLISS, first, for when he was chairman actually starting this process and then working together to get this bill through to its conclusion; Senator CONRAD, who has been such a valuable ally in this effort, bringing the expertise that he has as the budget chairman and, as I often said, making sure we keep on track. I have often said, in writing legislation if you do something here that affects something there and that affects something else, the Budget Committee and the budget chairman have the knowledge and the expertise to know the budget impact of such actions. It has been an invaluable resource to us, to have that expertise of Senator CONRAD on this committee and during this whole debate and development of this farm bill.

I will also thank, again, Senator BAUCUS and Senator GRASSLEY, our chairman and ranking member of the Finance Committee, who worked so closely with us to develop this legislation and make sure we had the proper funding so we could get this bill through. They were invaluable helping us to get this bill finally through.

I wish to make sure there is no doubt in anyone's mind now—14 of the 15 titles in the farm bill conference report are now law. We do not require anybody else's signature; 14 of the 15 titles are now the law of the land. As Senator CHAMBLISS said, we do have this one little glitch—evidently an innocent mistake, a clerical error that title III was not included. We will deal with that at some other point. I don't know exactly when, but that should not be much of a problem, since it was simply a clerical error. We will take care of that.

I want people to know we have been in contact with both USDA and USAID, the Agency for International Development. They told my staff basically they could get by for a couple of weeks without our having to do more today. We will have to move ahead as soon as we can, perhaps that will not be until right after the recess, so our Pub. L. 480 programs and our development assistance programs, our market access program, which is so important for our fruits and vegetables, specialty crops and other programs in the trade title are taken care of.

Again, I thank everyone. As Senator CHAMBLISS said, we have already thanked our staff, but I don't know if we can thank them enough. They have hung in every day on this.

I was going to say now they can take a vacation, but they have to wait until this other title gets taken care of; but sometime soon our staffs will be able to take a break.

Mr. President, I would like to expand upon my remarks on the nutrition title

of the Food, Conservation, and Energy Act of 2008 so that I may provide my colleagues with more information about the very important changes made in the nutrition title, particularly to the Food Stamp Program. The Food Stamp Program is the single most important antihunger program in our Nation, helping millions of families, seniors, and people with disabilities afford an adequate diet. It is our country's largest child nutrition program and serves as a critical work support program, enabling low-income working families to make ends meet and put food on the table every month.

I know that many Senators have not had the opportunity to pore over the details of the legislative language and conference report for the nutrition title. So let me take this opportunity to provide some background on what has been accomplished in the nutrition area of this bill.

The conference report makes major investments and improvements in the Food Stamp Program in this bill—starting with changing the name of the program to the ''Supplemental Nutrition Assistance Program'' or ''SNAP.'' The change reflects the reality that food assistance benefits are no longer ''stamps'' but have been updated and modernized and are now provided on special cards, like the debit or credit cards that most Americans carry in their wallets. For the purposes of my remarks today, I will use the term ''Food Stamp Program'' throughout my comments one last time before this historic change is made.

One of the primary goals for the Food Stamp Program was to end the decades of erosion in the purchasing power of food stamp benefits. Because of harmful cuts to the program enacted in the midnineties, with each passing year the purchasing power of most households' benefits has actually decreased. The biggest annual cut, which has so far cumulated in about $25 less in food assistance each month for the typical working family, was from a freeze to the program's standard deduction. This cut has affected about 10 million people a year, including many low-income working families with children, senior citizens living on a fixed income, and persons with disabilities.

The largest benefit improvement in this bill is an increase in the standard deduction, which has been frozen for households of three or fewer people for over 10 years, and end any future erosion in its value by inflating the deduction each year. The inflated amounts will be calculated based on the previous year's unrounded amount, so over time we will not lose any more ground to inflation. This change will improve benefits for about 13 million people and provide a typical working family an additional $6 a month in food assistance in 2009, rising to $17 a month by 2012.

Similarly, because it was not adjusted for inflation, the $10 monthly minimum food assistance benefit purchases only about one-third as much food today as it did when it was set more than 30 years ago. The minimum benefit is set at 8 percent of the thrifty food plan, rounded to the nearest whole dollar. This will mean it will be about $14 per month in 2009—almost a 50-percent increase. The Thrifty Food Plan is automatically indexed for inflation. As a result, the minimum benefit will maintain its purchasing power. And, because the Thrifty Food Plan is set at different levels for high-cost areas like Alaska and Hawaii, a new and slightly higher minimum food assistance benefit will be provided in those areas. For example, in fiscal year 2009 the Hawaii minimum benefit level will be $22 a month. Additionally, about 15 States have special combined application projects where SSI recipients receive standardized benefits. I expect USDA will reevaluate the cost-neutrality of these projects so that these households also can receive higher standardized benefit amounts to account for the higher monthly minimum benefit and standard deduction levels.

The conference report ends erosion in other areas as well, including the dependent care deduction and asset limit, about which I will speak more briefly, but also the commodities for The Emergency Food Assistance Program, TEFAP, and grants for community food projects and fruits and vegetables in schools. For the first time since I have been working on farm bills, we have clearly established the principle that the value of benefits in our nutritional help for low-income families and individuals should not erode over time, just as they do not in our income tax code or the Social Security and Medicare Programs. This is a remarkable achievement.

Another core principle that is addressed in this bill is that building savings and accumulating assets is an important path to financial independence. And here I want to especially thank the ranking member, Senator CHAMBLISS, for his leadership. Many agree that it is counterproductive to discourage savings by forcing people to liquidate their retirement savings or other financial assets when they lose their jobs and need to turn to food assistance to feed their families. Policymakers from across the political spectrum agree that asset development is important to helping low-income Americans make a permanent transition out of poverty as well as avoiding it in their later years. After all, a family does not spend its way out of poverty. Quite the opposite, most families build a path to financial security on the foundation of assets, whether it be a home, a small business, or retirement savings.

This bill ensures that all retirement accounts and education savings accounts are excluded from a household's financial assets when determining whether or not they are eligible for food assistance. And for the first time in nearly two decades the $2,000 and $3,000 asset limits will be adjusted for inflation each year.

It is also important to note what the Congress did not do in the asset area. The administration proposed eliminating a State option called expanded categorical eligibility which allows States to conform the food stamp asset rules to those used in a TANF-funded benefit, and proposed using those savings to finance the exclusion of retirement accounts from eligibility determinations. Both the House and Senate rejected that approach because of a belief that some assets, such as retirement funds, should be excluded from the program on a national basis.

In addition, by leaving the existing State option on categorical eligibility in place, States have the full flexibility to set their own asset policy. I strongly encourage USDA to work with States to expand the use of this State option beyond the 15 States that thus far have expanded categorical eligibility. States with nearly 40 percent of the food stamp caseload do not currently use the national asset policy. I hope that in the coming months and years we will see more and more States take the option.

Another major improvement in this bill supports working families by allowing them to deduct the full amount of their childcare expenses from their income for purposes of food assistance eligibility and benefit determinations. The current cap on the dependent care deduction has not been raised in 15 years, but child care costs have continued to grow. Even when a low-income working family gets help paying for child care, the family's share, or copayment, can be substantial. Now, because of changes in this bill, the amount of food assistance that a family receives will reflect the actual child care costs families pay to be able to hold down their jobs. By lifting the cap, families eligible for the deduction will be able to deduct the full value of their childcare costs, rather than just a portion of the costs. The change would provide an average of almost $500 a year—more than $40 a month—to approximately 100,000 households that pay high childcare costs.

This change was made cognizant of current USDA policy on the childcare deduction, which takes a broad view of what constitutes a dependent care cost, defers to parents about what is appropriate childcare, and lets States determine how to set verification policy. This proposal was part of USDA's original farm bill proposal and they have given us every reason to believe they will continue these policies and do nothing that would limit what is deductible or the amount families may deduct.

For households that apply or recertify their eligibility after October 1, 2008, the dependent care cap will no longer be in effect. We expect that States will notify households already participating in the program with dependent care expenses at or above the

current cap about the policy change. These households should be given the opportunity to receive the higher dependent care deduction that corresponds to their full costs as soon as the provision takes effect. A benefit increase for these households however, is their option. In no case should a household have its benefits terminated or reduced for not responding to paperwork requesting verification for the amount of childcare costs they have above the current cap. In two areas, this bill builds upon the very successful State options provided in the 2002 farm bill. These simplifications have made the program less burdensome on States agencies and families alike, have helped to keep low-income households connected to the Food Stamp Program, and have been a major factor in the sustained drop in State food assistance error rates.

The 2002 farm bill allowed States to extend ''simplified'' reporting rules to most households. Some 48 States and the District of Columbia have adopted this popular State option, which dramatically simplifies the rules for how many food stamp participants inform the State about changes in their income and other circumstances.

Unfortunately, due to an oversight in the 2002 bill, States are not allowed to apply simplified reporting to several categories of households, such as households with only elderly or disabled members. USDA wisely, through guidance and in its proposed regulation, allowed States to extend the option to some households that might be excluded, such as homeless households and migrant and seasonal farmworkers. This bill specifically allows these households to be included in simplified reporting and extends the State option to households with only elderly and disabled members, so long as States extend the simplified option for 1 year rather than 6 months for such households to reflect the fact that many of them live on fixed incomes and have stable living situations and thus do not have many changes to report. In fact imposing 6 month reports on these households would make them worse off by putting their food assistance at risk more often than is now the case.

This change will allow States to simplify their operations and reduce confusion, by having just one reporting system with common forms, staff training, and other rules. I urge USDA to implement this provision and the underlying simplified reporting option in a way that allows it to achieve its full intent of minimizing the number of changes that households need to report and that States need to respond to, whether those changes are for food stamps or for another program that the State administers along with the Food Stamp Program. Simplified reporting cannot be simple if USDA allows exceptions to our basic principle that changes should only be made to the case if a household reports that their income exceeds the gross income limit.

Another popular and successful provision from the 2002 farm bill gave States the option to provide 5 months of transitional food assistance to families that leave welfare. We did this not only because we wanted to reduce the paperwork burden but also to keep eligible families connected to food assistance when they left welfare for work. This is important because we know that, for families who are leaving welfare for employment, the first couple of months are particularly vulnerable. Having work supports such as food assistance help them to weather this period and actually decreases the likelihood that they will return to cash assistance.

The 2002 farm bill made this State option available to families that leave Federal TANF-funded cash assistance programs. Since then, some States have established separate State-funded cash assistance programs for certain groups of poor families with children. These State programs give greater flexibility to States to develop services and supports that can serve these families appropriately.

This bill extends to States the option to provide transitional food assistance to individuals participating in these State-funded public assistance programs. Several States have specifically indicated that this change will be beneficial to them and the families with children that they serve.

For all of these benefit improvements, I expect USDA to implement the provisions in a way that is sensitive to the needs of the State agencies that administer the program. It is with some disappointment and disbelief that I note that the administration still has not yet issued final regulations for the 2002 farm bill's food stamp provisions. In implementing this bill I urge USDA to provide sufficient, flexible guidance to States in a timely manner. One of the helpful implementing policies USDA allowed in 2002 was to extend the 120-day quality control hold harmless protections to provisions that are State options, such as simplified reporting and transitional food stamps. I expect USDA to allow that policy for this farm bill as well.

In addition to major improvements in the benefit levels and rules, the nutrition title contains numerous program oversight and integrity provisions, as well as provisions that address basic program operations.

As I mentioned at the outset of my remarks, this bill finalizes the replacement of paper coupons in favor of the electronic benefits on plastic cards that are now the way people access their food assistance across the country. The bill prohibits States from issuing any new coupons and provides that existing coupons shall be redeemable for only 1 year from the date this bill is enacted. This is a minor change in the operation of the program, since no State currently issues coupons and fewer are redeemed each month. Nonetheless, the change required numerous technical and conforming revisions in the statute to purge the act of ''coupons'' and other trappings of the old system. No policy changes are intended in making these revisions other than to reflect the existing reality. For example, in replacing the word ''coupons'' with ''benefits'' Congress did not intend to change policy beyond simply recognizing that coupons do not exist anymore. The term ''benefits'' refers to the food voucher-like benefits that households receive on electronic benefit transfer cards, EBT, but does not include auxiliary activities under the act, such as nutrition education or food stamp employment and training services.

Despite the overwhelming success of electronic benefits in modernizing benefit delivery, reducing retailer fraud, and removing a large source of stigma for recipients, there is one area where there remain concerns about EBT benefits, and this bill has tried to address the concern. Under the old food stamp coupon system, some households, especially seniors who qualify for small benefits, could store up those smaller amounts and use several months' worth in one shopping trip or for a special occasion, such as a holiday gathering. With food stamp coupons there was no deadline for how long they were good for.

Under EBT systems, however, some States have moved households' benefits ''offline'' after as few as 3 months if there is no activity in the account. This can be a problem for households that receive small benefits and want to store them up for a special supermarket trip.

So this bill strikes a balance. It allows States to move a household's benefits offline if the household has not accessed the EBT account for 6 months. But the State will be required to notify the household of this step and to reinstate its benefits within 48 hours if the household makes a request.

I expect States to make the process for recovering benefits after they have been moved offline easy for households. Any inquiry about food assistance, or general request for assistance from a household that has had benefits moved offline, should be considered a request for reinstatement of lost benefits. In other words, households should not have to contact a particular phone number or ask for some complicated reinstatement option in order to get benefits restored to their accounts. Rather, eligibility workers and local office or call center employees should assist households and should help them to initiate the process of reinstating their benefits.

I recognize that some States may need to renegotiate the terms of their EBT contracts, and I urge USDA to work with States to implement the provision as quickly as possible given the time constraints set by the effective date constraints.

This bill also responds to another benefit issuance matter that has come

up recently in Michigan and in other places over the years. States currently issue food stamps in one monthly installment for each household. They may, and usually do, ''stagger'' food stamps by issuing the month's food stamps to different households on different days of the month, for example, based on the last digit of the household head's Social Security number. This practice spreads out the state's workload and helps supermarkets smooth out the demand for food.

Some States—most recently Michigan—have faced pressure from retailers and others to divide each individual households' monthly allotment into two or more issuances over the month. I do not support such a change and was surprised to learn that the law permitted it. Dividing households' monthly food stamp allotments could prevent some households from making large buying trips or from purchasing large, economy-size containers of staple foods. It also would be burdensome on households with small benefit amounts—such as seniors—because they would have to use their food assistance EBT card at multiple shopping trips during the month instead of only one. In fact, the Michigan Department of Human Services polled current food assistance recipients about such a potential change and learned that recipients strongly opposed splitting food assistance benefits into a twice-monthly allotment.

The bill includes a provision that would prevent States from dividing monthly allotments. No other policy changes are envisioned. The bill does not intend to change the rules with respect to the issuance of expedited benefits, the proration of benefits for partial months, the issuance of supplemental benefits in the event a benefit correction is needed, the way that people who reside, or formerly resided, in drug or alcohol addiction treatment facilities receive food assistance, or any other area.

The nutrition title also clarifies a provision that has inadvertently denied food assistance benefits to innocent people. Individuals who are being actively pursued by law enforcement for outstanding felony charges or for violations of probation or parole are not eligible for food assistance benefits. This rule appropriately ensures that fugitives do not receive public support.

However, in practice, this rule occasionally denies food assistance to the wrong people—innocent people whose identities may have been stolen by criminals or those whose offenses were so minor or so long ago that law enforcement has no interest in pursuing them. If the issuing authority does not care to apprehend the applicant when notified of his or her whereabouts, there is no public purpose served by denying food assistance benefits.

Unfortunately, inadequate guidance to States has resulted in exactly that. This provision would correct this by requiring USDA to clarify the terms used and make sure that States are not incorrectly disqualifying needy people who are not being actively pursued by law enforcement authorities.

One important area of the bill has not gotten a lot attention. It has to do with our own, as well as USDA's oversight of State administration of the program. Several provisions in the nutrition title are included to improve oversight of States with respect to computer systems, eligibility processes, and access to benefits.

For example, the bill requires States to adequately test and pilot new computer systems. I do not wish to see another instance of a State implementing a multimillion dollar computer system that does not work, and which USDA knew would not work. Time and time again, I have read about computer systems that do not work and either cause families to wait 3 months for food stamps or that issue benefits inaccurately. That is unacceptable management of the program. USDA must demand adequate testing and hold States, not clients, accountable for any mistakes in benefits when there is a major systems failure.

The bill also includes a provision that was proposed by USDA to increase the penalties on States if, despite these measures, a ''major systems failure'' nonetheless occurs. If the Secretary determines that overissuances have occurred because of a ''major systems failure,'' the States, rather than households, as is usually the case, are to be liable to repay the Federal Government for the cost of the overissuance. This is entirely appropriate because the mistake is clearly not the household's fault, and their ability to purchase food should not be compromised because of the State's egregious mistakes. When major State problems occur, the State's energy and resources should be focused on fixing the problem, not on collecting from low-income households that had no role in the mistake.

New automated systems are not the only program area that requires more oversight, monitoring, and enforcement of standards. States are now using online applications, conducting business with clients over the phone, and in some cases closing local offices and reducing staff as a result of these changes. New technologies present enormous opportunities to improve customer service, but they also carry risks if the technology does not work or the State agency lacks sufficient oversight. The bill is, in part, responding to a recent GAO report that found that USDA has not collected sufficient information on the effects of alternative methods of benefit delivery on program access, payment accuracy, and administrative costs. The bill requires USDA to set standards for identifying when States are making major changes in their operations and for States to notify USDA and report on the effect these changes have on program integrity and households' access to benefits.

Though the provision of which I am speaking, section 4116 does not specifically pertain to the privatization of the Food Stamp Program, it does have particular relevance given recent efforts by two States, Texas and Indiana, to privatize major components of their food assistance delivery mechanism. Prior to the approval by the Food and Nutrition Service of both the Texas contract and the Indiana contract, I communicated extensively with the Food and Nutrition Service by letter as to the kinds and manner of data collection that I deemed critical in each instance. I continue to be extremely concerned that USDA is not properly monitoring those projects, as well as other State efforts to transform the way that services are delivered with respect to how these new systems are affecting the most vulnerable members of our society. Because that correspondence was extensive and because it is in the records of USDA, I will not submit it here for the record. I would note however, that in implementing section 4116 of the conference report, I expect USDA to closely review my prior correspondence regarding the Texas and Indiana contracts regarding what kinds of information should be collected. In particular, I expect USDA to review my letter to Secretary Johanns sent on January 19, 2006. That letter in particular clearly laid out expectations as to proper evaluation criteria, especially as they pertained to program access for certain vulnerable populations, such as individuals with disabilities and those with limited-English proficiency.

I would also like to note that USDA has thus far refused, both in the case of Texas and the case of Indiana, to gather appropriate quality control data in the specific geographic areas that were initially rolled out for testing. In those cases, I asked USDA to gather quality control data that was specific to the geographical area that was being initially rolled out so that a comparison could be made to the rest of the State that was still operating under normal parameters, and I asked USDA to gather data that would allow for a timely evaluation of the pilot area. USDA responded that this was not possible because quality control data is not gathered for substate geographical areas and quality control data is not available for evaluation until many months after it is first gathered.

This provision allows USDA to rectify this situation and, in addition to other reporting measures, I fully expect USDA, in implementing this provision, to ensure that quality control data is gathered when there are major changes in program design that allows for comparison of substate areas that are being tested and which allows for the timely use of the State-reported data in evaluation prior to moving ahead with later phases of a project.

Another provision of the bill creates an explicit State option for accepting food assistance applications over the

telephone. As I previously mentioned, innovative States have experimented with online applications and telephone interviews as a way of streamlining the process for people who have difficulty coming to welfare offices, such as working families with busy schedules and senior citizens.

The nutrition title would allow households to apply for food assistance over the telephone and have their benefits date back to the date of the telephone application. This is important to ensure that households that apply over the telephone do not have a delay in their benefits and receive smaller benefits for the first month. We have provided that a telephone signature should be accepted as adequate for all purposes. No subsequent mail-in application should be required in order for the application to be considered filed by the State agency.

Throughout the history of the Food Stamp Program, the courts have played a positive, constructive role in ensuring that congressional intent is carried out. The program has not been overrun with litigation because both Congress, in writing statutes, and USDA, in writing regulations, have taken great pains to be clear and specific. On those rare occasions when courts have misunderstood our intent on an important matter, Congress has amended that statute accordingly. Because USDA keeps the Agriculture Committees closely apprised of its regulatory actions, Congress also has been comfortable with—indeed supportive of—litigation to enforce the Department's regulations. On numerous occasions when we leave a matter open in the statute, it is because USDA has told us exactly how it plans to address the matter in regulations. Congress has always operated on the assumption, and with the intent, that the program's regulations would be fully enforceable and fully complied with to the same extent as the statute.

I was disturbed to learn of two recent cases in which courts disregarded the longstanding history of judicial enforcement of the act and regulations. A district court in Ohio refused to entertain a suit brought to enforce the Department's regulations for serving people whose primary language is not English, and an appellate court in New York held that States are less responsible for compliance with the act and regulations when the program is administered by local governments than when the State administers the program itself.

Accordingly, this legislation clarifies that States must comply with the Department's rules on service to non-English-speaking households as well as with the statute. The regulations, no less than the statute, create rights for households to ensure that they can receive benefits.

Responding to the New York case, the legislation clarifies that States' responsibility is no less in locally administered systems. Congress has granted States the option for local administration as a convenience; nothing in the law reduces States' responsibility if they take this option. If the State could not be held fully accountable for strict compliance with the act and regulations in these cases, local administration would not be permitted. These amendments correct that problem.

I have been a member of the Senate Agriculture Committee or the House Agriculture Committee for over 30 years. I have always operated on the assumption that the act and regulations create enforceable rights for actual and prospective participants and that litigation may properly arise under provisions of either. When I have heard of examples where applicants or clients were not provided with the service that the act and rules provide, such as timely and fair service, assistance for those who need it by the State agency or 10 days to turn in requested paperwork, I have supported the right of an individual to file a claim against the State to enforce the rules established by Congress and the regulations stemming from the statute.

With very few exceptions, the old Food Stamp Act and the new Food and Nutrition Act are based on the principle of individual rights. Much of that stems from a history in the 1960s and 1970s of clients not being able to gain access to the program. To be sure, section 2 has little in it to enforce: subsections (a) through (g) of section 7 do not affect individual households, and sections 9, 10, 12, and 15 focus on retailers and wholesalers. Within section 11, paragraphs (e)(19), (e)(20), (e)(22), and (e)(23), as well as subsections (f) through (h), (k), (l), (n) through (r), and (t), regulate state agencies rather than households. The same is true in section 16 of the beginning of subsection (a) as well as of subsections (c), (d), and (f) through (k). Sections 14(a), 18(e) and (f), 19, 23, 25, and 27 similarly do not convey rights to households. A few other provisions by their terms no longer apply to anyone. But by and large, the Agriculture Committees, and Congress as a whole, have consistently intended that the Food Stamp Program be administered in strict conformity with the Food Stamp Act and with regulations the Secretary has duly promulgated under this act and that prospective and actual participants be entitled to enforce these provisions legally.

The legislation also clarifies the act's privacy protections to ensure that those receiving confidential information for legitimate reasons are not free to make other uses of that information or to retransmit it to third parties. Any decisions about releasing or using information should be made in advance by the Department or State food stamp agencies. The focus was on retransmission of information. Other than the provision explicitly allowing these records to be accessed in households' litigation, the bill does not expand initial access to confidential information. Confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

In the program integrity area the bill responds to USDA's request for more flexibility in how they penalize retailers who have committed fraud against the program. Electronic benefits have greatly reduced the occurrence of clients converting their food assistance benefits into cash, but there sometimes remain problems with stores finding ways to enrich themselves at the expense of the Federal Government and low-income households. Under this bill USDA will have more flexibility in the types of penalties it can impose on such stores. USDA will be able to disqualify an offending retailer, subject the retailer to financial penalties, or both.

Elsewhere in the bill, the Secretary is provided expanded authority to penalize individuals and companies that defraud USDA programs. While that provision does not apply to any of the individuals and families who receive food assistance it could be used with respect to retailers and other program operators. Given our history of collaboration with the Department on crafting this retailer fraud provisions as well as fraud detection and enforcement systems in the other nutrition programs, it is not my expectation that the Secretary would ever use that authority without extensive consultation with the Agriculture Committees.

The bill also adds two new specific disqualifications for recipients who have intentionally used their food assistance benefits inappropriately. I do not think these kinds of behaviors are common among food assistance recipients, but they are nonetheless inappropriate, and people who engage in them should be penalized. The first came up because of a story in my State. Apparently someone used their food assistance benefits to buy water in returnable containers. The individual's real goal, however, was to discard the water and return the container for the cash deposit. This kind of activity is obviously not consistent with the purpose of the program and States will now have specific authority to deal with it when it occurs.

The second would address instances where food assistance recipients intentionally resell food that they have purchased with food assistance benefits. This is a little bit of a grey area, and I want to be clear about what we do and do not intend with this provision. It is not consistent with the goals of the program for individuals to resell large quantities of food for a profit that they have bought with food stamp benefits. However, I recognize that food stamp households may occasionally buy a cake mix which is used to make cupcakes for their child's elementary school bake sale or they may shop for one another and reimburse each other for food. Two families who share an

apartment may sometimes share or swap food, even though they generally purchase and prepare their meals separately. These are not fundamental affronts to the integrity of the program. In fact, these are facts of life for honest low- and moderate-income families. USDA and States should only treat the egregious cases—where recipients intentionally sell food that was clearly purchased with food assistance benefits for a cash profit—as fraud. Innocent, well-intentioned low-income individuals should not be disqualified under this new provision.

The bill also includes $20 million in the nutrition title for pilot projects to test innovative ways of using the Supplemental Nutrition Assistance Program to improve the diets and overall health of recipients and to especially reduce the problems of obesity and the related bad health outcomes. Particularly, this funding is provided for USDA to carry out a pilot program that would test whether certain incentives can be effective in helping food stamp households to purchase healthier foods. The funding is intended to be used for a pilot program using the existing EBT infrastructure. For example, a participating household that purchases fruits and vegetables with their food stamp benefits would receive a discount on the portion of their purchase that is deemed healthful. Or alternatively, the household would have extra benefits added onto its EBT card for the component of their grocery store purchases that are healthful.

This provision is an investment in a very important area. But I must be clear that it is very important for these pilot projects to be rigorously evaluated and that the evaluations be independent, so the Agriculture Committee can have reliable information on what really works and does not work to change people's food purchasing behavior, diets, and health status. To provide USDA with maximum flexibility in implementing this provision, the statute does not go into great deal about the structure of the pilot program. However, I have every expectation that USDA will consult closely with the Agriculture Committee as it works to implement this provision.

The bill also requires USDA to study the cost and feasibility of reinstating the Commonwealth of Puerto Rico into the national Food Stamp Program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance. Puerto Rico operates their Nutrition Assistance Program with rules very similar to the Food Stamp Program, except that it has been forced to impose much lower eligibility criteria as a result of capped funding. For example, a Puerto Rican household has a maximum net income limit of only 23 percent to 34 percent of the poverty level, instead of the 100 percent cut off used in the Food Stamp Program. It is important that Congress gain a better understanding of whether we are meeting the food needs of U.S. citizens living in Puerto Rico and whether inclusion in the Food Stamp Program would be appropriate in the Commonwealth. With this study I hope to get a better understanding of what the local conditions are in Puerto Rico and how to address the issues in the next farm bill.

Another provision of the bill seeks to ensure that all children who live in households receiving food stamps are getting the free school meals to which they are entitled. Forty percent of all food assistance recipients are school-age children and about 45 percent of food assistance benefits go to families with school-age children. Food assistance benefits are a critical factor in reducing food insecurity amongst families with children. All children in families receiving food assistance get another important benefit—automatic enrollment for free school meals provided through the National School Lunch and School Breakfast Programs. Such children have been eligible for free school meals for some time, but the requirement that they be automatically enrolled without completing a duplicative paper application was enacted in 2004 and will be effective nationwide for the first time in the 2008 to 2009 school year.

The goal of the direct certification requirement is to move to a system that seamlessly enrolls 100 percent of school-age children in households receiving food assistance benefits for free school meals without imposing any additional paperwork on already stressed families. Unfortunately, it appears that some States are not implementing this provision effectively. As a result, families and schools must fill out and process needless paperwork that was already processed by the food stamp agency. I strongly encourage USDA to work with States to ensure better implementation of direct certification. Government need not and should not be unnecessarily redundant and wasteful. This legislation requires USDA to report to Congress annually on each State's progress toward that goal and to identify best practices. The report can thus be used to help States assess their own progress and expand the reach of direct certification.

The farm bill nutrition title makes a significant new investment in food purchases for emergency food organizations, increasing the Federal mandatory funding that is available from $140 million per year to $250 million, adjusted for annual food inflation. Because the amount has been flat since 2002 it has lost purchasing power, while food prices have climbed by more than 15 percent. TEFAP also will receive $50 million in additional funding for the remainder of fiscal year 2008 to deal with the short-term immediate needs of food banks in light of the recent economic downturn and high food price inflation.

I would also like to highlight some of the changes we made to the Food Distribution Program on Indian reservations. As my colleagues may know, under the Food Stamp Act, tribal governments have the authority to run a commodity program for their tribal members who would prefer commodities to food stamps. The program helps ensure that low-income Native Americans who live in very remote areas and for whom food stamps are not an option have access to nutritious foods. Currently, there are approximately 243 tribes receiving benefits under the FDPIR through 98 Indian tribal organizations and five State agencies.

The bill makes a number of changes to the program. First, the statute is clarified to ensure that individuals disqualified from the Food Stamp Program are also disqualified from FDPIR. Second, the bill provides more authority to ensure that traditional and local foods are included in the food package based on input from program participants. Finally, and perhaps most important, Congress is requiring USDA to submit a report on the FDPIR food package and its ability to meet the food and health needs of low-income Native Americans. I am deeply concerned that FDPIR may be failing as a substitute for the Food Stamp Program. Unlike food stamps, it does not differentiate between the food needs of the poorest versus those with more income. Moreover, I am concerned that the quality of the food provided in the food package is not as healthy and nutritious as it ought to be, nor does it respond to the diet and health challenges of Native Americans. The Secretary has open ended authority to improve or expand FDPIR, which is an entitlement to Native Americans in lieu of the Food Stamp Program. I look forward to hearing from USDA about if or how FDPIR needs to be modified to respond to the food security needs of its participants.

The nutrition title also make a very significant investment in the health of our Nation's children by expanding the Fresh Fruit and Vegetable Program, which will receive $150 million annually within 5 years and thereafter be indexed to inflation. Several important policy changes are also made to the program. First, because eating habits are established early in life, we limit the program to just elementary schools, with an appropriate transition period for currently participating secondary schools. The bill also includes significantly strengthened targeting of program funds to low-income children by specifying that priority be given to applicant schools that have the highest proportion of children who are eligible for free or reduced-price meals. I expect USDA and states to take this income targeting very seriously. The

statute is very clear. It does not suggest that the prioritization of low-income schools is optional but clearly indicates that first priority be given to the schools with the greatest proportion of low-income children. The statute also removes any reference to dried fruits that previously existed. The program is intended to provide fresh fruits and vegetables only.

As my colleagues may gather from my remarks, I am extremely proud of what we have accomplished in the nutrition title of this farm bill. We have made the title a top priority within the bill and taken pains to ensure that we strengthen our Federal nutrition programs for the tens of millions of children, seniors and families they serve. Of course, we still have a long way to go before we end hunger in this country. But with this legislation we will be moving in a direction of reducing hunger, strengthening our people and building healthier, stronger communities.

Mr. President, in addition to the more than 1,000 farm, conservation, nutrition, consumer and religious organizations who urged us to override this veto, more than 2,700 Americans signed an online petition, which said the following:

We urge Congress to override President Bush's veto of the 2008 farm bill . . . It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent . . . Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I will not enter all the names into the RECORD because there are e-mail addresses listed here, and I don't want to make all those public.

I ask consent to have the petition printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We urge Congress to override President Bush's expected veto of the 2008 Farm Bill which takes our country in a bold new direction. It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent.

The House and the Senate passed the Farm Bill on May 14–15 with enough bipartisan support to override a possible veto by President Bush.

We urge members of Congress to continue to vote for the interests of Americans instead of caving to President Bush who is out of touch with the everyday needs of middle America.

Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we should take a moment to appreciate the historic nature of this vote. This is the first time ever a Presidential veto of a farm bill has been overridden. Of course, we all know this is far more than a farm bill. In fact, that is a misnomer. This is a food bill, a conservation bill, an energy bill—all those things combined in a way that I think should make us all proud. It got 82 votes for a reason. It is a good product. It got 316 votes on a Presidential override because it is a good product.

I thank especially the leadership of the Agriculture Committee. Our chairman, Senator HARKIN, who is indefatigable, to have a vision to turn farm policy in a new direction, to be more conservation oriented—history will treat him very kindly. Senator CHAMBLISS—we call him, in our office ''Cool Hand Luke'' because you couldn't ask for a better partner throughout an effort than Senator CHAMBLISS has been to all of us. He has been steadfast. He has been calm, cool, and collected in a lot of situations that demanded real restraint in order to keep things together. I also thank him for the friendship we have formed throughout this effort.

To the staffs—I wish to especially thank my staff: Jim Miller, my lead negotiator who has given body and soul to this effort. I calculate he spent more than 3,000 hours over the last 2 years on this effort; Tom Mahr, my legislative director, who has a lot of brainpower that he brought to this effort, as he does to so many jobs in my office. I deeply appreciate all the assistance Tom has given me and the other members, the other negotiators; Scott Stofferahn, my other negotiator, who helped write the disaster provisions that have proven to be so well done. John Fuher is a member of my staff who has taken on a lot of responsibility at a young age. He has stepped up onto the stage. I appreciate it. Miles Patrie and Joe McGarvey handled key sections of the legislation; on Senator HARKIN's staff, Mark Halverson, the staff director. I joked the other day he started to go gray in this process. You know, it may go further than gray with the little glitch that happened over on the House side; and Susan Keith, who is so determined to write good agriculture policy, she can be proud of what she has helped accomplish in this bill; Martha Scott Poindexter is a consummate professional, somebody for whom we developed high regard. It has been a delight to work with her; Martha Scott, we appreciate the good humor you have brought to this effort, as well as Vernie Hubert, a consummate pro. These are talented people, good people. They deserve our thanks.

I also wish to thank, if I can, the occupant of the chair, Senator NELSON of Nebraska. He is a critically important member of the Agriculture Committee who has provided that kind of mature leadership that is so often necessary in writing legislation of this importance. I thank the occupant of the chair for all he did to make this a reality as well.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I have been asked to make a request that we go into morning business, with Senators permitted to speak for up to 10 minutes; that upon my conclusion, Senator DORGAN be recognized for up to 5 minutes, Senator CASEY for up to 5 minutes, Senator VITTER for 15 minutes, followed by Senator STEVENS for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

UNANIMOUS-CONSENT REQUEST—H.R. 980

Mr. DORGAN. Mr. President, on behalf of the leader, I ask unanimous consent—and I ask it not be taken out of my time—that H.R. 980 remain the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Yes, Mr. President, on behalf of Senator ENZI, the ranking member of the committee of jurisdiction, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota is recognized.

THE FARM BILL

Mr. DORGAN. Mr. President, I want to start by acknowledging the tremendous work of Senators CONRAD, HARKIN, and CHAMBLISS. This farm bill has taken countless hours of patience and perseverance. Thank goodness they have all that in abundance, along with great skill, wisdom and vision

I especially want to recognize Senator CONRAD's work here in the Senate and Congressman POMEROY's work in the House. We wouldn't be where we are today without their efforts and I wanted to publicly thank them.

Mr. President, the Congress has made a major decision today. That decision is to say to this President: It is time to start taking care of things here at home. It is a pretty substantial message—notwithstanding the objections of the President, this Congress said we need to stand for family farmers and have voted overwhelmingly to decide that we will override the President's veto and voted overwhelmingly to decide that we will override the President's veto. Sometimes there is not much distance between the right track and the wrong track. But with respect to the farm bill, the distance here between the right track and the wrong track, between the President and the Congress, is a country mile. It surprises me, in fact.

This Congress has said: Let's start taking care of things here at home for a change. Now, family farmers have always been the bedrock of this country's family values. They, in many cases, work alone. They raise a family out under yard lights, out in the country. They take big risks every year.

They live on hope. They do not come to work in blue suit. They put on work shoes and work clothes and work hard, and all they ask for is a decent return on their investment, despite the substantial risks they take. Because of that this Congress, for a long period of time, over many decades, has decided to create a safety net so that when family farmers run into a patch of trouble, this Congress and this country say: You are not alone. We want to help you through these price valleys and through these tough times.

So that safety net was significantly what we voted on today. The President began last year threatening to veto a farm bill, and consistently threatened that veto, and finally decided to exercise that veto, and the Congress said: You are wrong, Mr. President.

The President came to my State of North Dakota. He said to farmers: When you need me, I will be there. But when farmers needed him, he was not there. That is a matter of fact. This Congress has used awfully good judgment in overriding the President's veto.

About a year ago, a little over a year ago, I introduced an agriculture disaster bill here in the Congress. For 3 years in a row I have added an agriculture disaster piece to the supplemental appropriations bill because we did not have a disaster title in the farm bill. For 3 years as an appropriator I put disaster money in the Appropriations supplemental bill. Finally, on the third opportunity, we got it in a bill the President had to sign. But we had to go on bended knee when they had disasters over much of farm country to get disaster help. Now we have a farm bill that has a disaster title. That is a significant step forward.

A lot of folks do not understand much about farming. They think that Corn Flakes, oatmeal, and puffed rice come in boxes. They do not. But those who put it in the boxes make much more money than those who plow the ground and plant the seeds that produce the corn and the oats and the wheat.

Now, this is a pretty substantial day for those of us who care about family farmers and want good farm policy. This veto override is good public policy.

Rodney Nelson, a cowboy poet from North Dakota, who is a rancher and a farmer out near Almont and Judd, ND, wrote a piece. I have mentioned it before to my colleagues. But he asks this question rhetorically in his piece: What is it worth? What is it worth for a kid to know how to weld a seam, to drive a combine, to fix a tractor? What's it worth for a kid to know how to pour cement? What is it worth for a kid to know how to work livestock, work in the hot summer sun and the cold winter day? He asks: What is it worth for a kid to know how to teach a calf to drink milk out of a pail? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to fix a tractor that won't run?

There is only one place in this country where all of those skills are taught, and that is on America's family farms. That is the university where all of those courses exist, and we lose it at our peril. That is why we write farm legislation. What is it worth? It is worth plenty to this country to say to family farmers during tough times: You are not alone, because we have created a farm bill to say here is a helping hand during tough times. That is what this is all about. I think the action today is something we ought to be proud of.

Is this bill everything I would have liked? No. My colleague and I, Senator GRASSLEY, offered an amendment on the floor of the Senate that was critical in terms of policy dealing with payment limits. We lost. We got 56 votes, we needed 60.

The fact is, this bill remains a good bill. It is late. It should have been done months ago. We fought through 9 or 10 months of Presidential veto threats. But it is done and finally I think farmers who are working their fields now in the spring and trying to figure out how they are going to do this year, I think farmers are going to be able to look at this bill and say: Congress cared. Congress cared enough to override the President's veto and put in place a farm bill that once again says: America cares about family farming and its future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

THINKING OF SENATOR KENNEDY

Mr. CASEY. Mr. President, let me say first I commend the remarks of the Senator from North Dakota who again reminds us of the importance of this legislation that we have been working on for many months now, and now having the votes, an overwhelming number of votes in the Senate to override the President's veto.

It is a bill that will help our farm families. But it is also a bill that we know from the percentage breakdown is about nutrition and conservation and so much else. So we are grateful for all of the work that went into this.

I am thinking today about not only this legislation. I want to spend a few moments talking about our veterans. But also we had an opportunity today at lunch to listen to three individuals whose stories, among others, are portrayed in a book about the Freedom Riders in the early 1960s and the impact they had on civil rights, and the courageous witness they provided is an understatement. People literally risked their lives for freedom in the South.

When I think about our veterans today, the GI bill that Senator WEBB brought to this body, and so many of us cosponsored, when I think about the GI bill, the work today on agriculture and nutrition, and also the witness provided by these speakers today at lunch who were Freedom Riders, I am, of course, thinking about Senator KENNEDY who is not with us today. He is outside of Washington and we are anxiously awaiting his return.

But I was thinking, as we all are today, about him and about his health but also his presence here. Everything we did today virtually he has had an impact on for more than a generation, whether it was nutrition or whether it was helping our veterans or whether it was having the courage to stand up for civil rights. So we are thinking of him today.

GI BILL OF RIGHTS

Mr. CASEY. Mr. President, I wanted to make a couple of remarks about the GI bill of rights. We had an opportunity today to vote on a piece of legislation which included that. That legislation is so necessary for our veterans. I know, Mr. President, you in your State, as a former Governor and Senator, know the impact of veterans.

In Pennsylvania, we have over a million veterans, and so many of them served our country in war after war. And in this war, the war in Iraq or anywhere in the world where they serve, all they are asking us to do is to help them in a couple of very basic ways: They want our respect, which we should always provide, and I think most Americans do over and over again. But they also should have the right to an education after they have served their country. It is that simple. We all know education is often referred to as the great equalizer. Sometimes when someone comes from a disadvantaged background, they are able to lift their sights and partake in the American dream because they have an education.

If soldiers are serving in combat, men and women in uniform for America, the least we should do is provide them with an education when they come home so they can have the chance at the American dream here at home.

I think the last thing, certainly not in that order, they have a right to expect is quality health care. We have a long way to go. Despite great work by people who work in the VA, there is a long way to go to provide the kind of quality health care our veterans have a right to expect.

So when we remember on this floor the words of Abraham Lincoln a long time ago when he talked, about people who served in combat and war, he talked about caring for him who has borne the battle and his widow and his orphan. When we think about that today, caring for him or her who has borne the battle, it must mean at least those three things: our respect, quality health care, and a quality education.

That is why this bill is so important. I am grateful so many of our colleagues agree with that. But we have got a long way to go to make sure the GI bill is the law of the land, not just something to debate but the law of the land.

I hope the President, I hope people on both sides of the aisle here join us in that, in making sure the GI bill of rights at long last is the law of the land.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Louisiana.

HEALTH CARE

Mr. VITTER. Madam President, I rise to talk about the need for dramatic, bold health care reform in this country, so every American has real access to good, affordable health care. In doing so, I wrap up a project I began 8 weeks ago with six of my Senate colleagues to highlight our proposed solutions to reforming health care in America.

I start by thanking those colleagues, Senators COBURN, DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR for joining me here on the Senate floor and in other venues to talk about this enormously important challenge for all of us.

We have reaffirmed what I think virtually every American knows, that we are in a health care crisis in this country, and there are some fundamental things broken, some fundamental things wrong with our present health care delivery system.

I want to reaffirm what was said: We need not just tinkering at the edges but some bold, dramatic reform to fix that system and give every American access to good quality and affordable health care.

But I also want to reaffirm there are clear choices to be made, dramatically different alternatives. We have laid out our positive choices in contrast to the other large alternatives, the single payer socialized solution that several of our colleagues here in this body have long advocated.

Our message, my colleagues and mine, Senators COBURN and DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR, has been simple at its core: The health care system must be centered on the doctor-patient relationship. Health care plans must be flexible and there must be real choice. Americans must be able to own and control their own plans and decisions and choose how those plans work for them, and Washington should not control or run or mandate all of this.

We believe individuals and families should own their own health insurance, and we oppose the Government managing or rationing people's health care. We believe individuals are capable and are better than bureaucrats at choosing that coverage which is best suited for their own needs.

We are opposed to forcing people to enroll in a plan versus providing incentives to encourage individuals and families to choose to enroll. We believe existing Government programs can be improved and modernized so they provide more efficient quality care to serve the purpose of their enactment.

In contrast to that, we oppose attempts to expand these specifically targeted programs and make them a Trojan horse for broader overreaching socialized medicine and sickness management by the Federal Government.

Instead of looking to put more people on Government health care, we should assure that the truly indigent have health coverage. My friends and colleagues who tried to rationalize a dramatically expanding SCHIP, for example, the ability to offer Government health care to already insured children, argued we have to put children first. But last year this Senate unfortunately and overwhelmingly rejected an amendment by Senator COBURN that would have assured that all children in the United States would have health care coverage before funding special interest pork projects.

We believe we should open and expand the health insurance marketplace to Americans so they can shop for health care across State lines and let insurance companies compete to provide quality, cost-effective care.

We oppose increasing the number of costly mandates that price individuals in so many cases out of the market and restrict consumer choice and access.

As my friend from South Carolina stated, there are almost 2,000 individual mandates in health care, covering in some cases acupuncturists and hair prostheses.

These mandates obviously drive up the cost of health care. In fact, according to the CBO, for every 1 percent increase in the cost of health care, 300,000 people lose their insurance. So there is a real human cost to so many of these mandates. This is supposed to be a free market society. I am perplexed as to why a consumer in South Carolina should not be able to shop for cheaper health insurance if that product is offered and sold in Louisiana.

This is commonsense reform to drive down mandates to a reasonable level. It would force insurance companies to compete with each other across State lines to offer cheaper quality plans. Americans are able to purchase or invest in almost anything in any State of the Union. This does promote competition. It encourages companies to offer better prices and better quality and more attractive interest rates for savings and better service. Why can't we bring that positive aspect to the market of health insurance?

My colleagues and I who join together in this discussion recognize that seniors have increasingly turned to Medicare Advantage plans because they offer better value, more choice, a higher quality of care than traditional fee-for-service Medicare. We oppose attempts to cut Medicare Advantage and reduce health care choices for seniors. Again, unfortunately, too many folks in this body are moving in the other direction. In fact, the chairman of the Finance Committee has indicated that the majority side of the aisle will offer a Medicare package that will likely significantly cut funding for the popular Advantage plan.

I have heard from thousands of Louisiana seniors who are overwhelmingly pleased with their Medicare Advantage plans. I hope we can preserve this option for seniors and find a reasonable compromise so we don't cut Medicare Part C and negatively affect those seniors.

We believe we should dramatically reform the tax treatment of health care by providing powerful incentives that will increase access by allowing Americans to keep more of their hard-earned money to pay for health care. We oppose tax increases that do the opposite, that seize American money from American families to pay for government-run and government-dominated health care. That limits access to doctors. It lowers the quality of health services. Addressing health care through our Tax Code would fundamentally change the health care market, if we do it in the right way. By letting Americans keep more of their money for health care through refundable tax credits, we can empower Americans with more resources to obtain and access care.

We have seen the results of increased utilization of health savings accounts. We want to see that when given the freedom to keep their tax-free money for health care, Americans will make conscious efforts to stay healthier, make better health care decisions, and shop for more cost-effective care and services. HSAs, health savings accounts, are a newly implemented concept and one that is working. Americans want choice, and tax advantage options such as HSAs allow for more choice in health care. We know our proposals would reform a broken system into one that is patient centered, high quality, lower cost, and where families choose and own their own health care plan. Government-run health care does not work and limits access and choice for families.

If you do not believe that, look to our neighbors. To the north we see Canada, which has a weekly lottery to see which of their citizens, in essence, can go to the doctor. Look to our friends across the Atlantic, to the British. The British National Health Service recently promised to reduce the wait time for hospital care to 4 months. That is supposed to be a dramatic improvement under that model, under Great Britain's national health care system.

Is that the kind of health care we want Americans to have? I sincerely hope our proposals over the last 8 weeks will be some part of promoting this badly needed debate. I sincerely hope that important debate leads to action, to results in the Senate and the Congress, results for the American people. Health care is one of the most important issues for American families today. It is time we actually do something instead of sitting on our hands in Washington. We need to go back to the

States to talk about how we need to reform the American health care system. It is time to embrace the challenge of health care reform and do something now, not just punt to future Congresses, future Washington politicians, future Presidents.

I hope our discussion over the last 8 weeks helps promote that, not just debate but debate leading to action to improve the lives of all Americans with regard to health care.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SUPPLY

Mr. STEVENS. Madam President, this morning when I read the Wall Street Journal, I was interested in this article: ''Energy Watchdog Warns of Oil Production Crunch.'' This is the IEA, the International Energy Agency, that makes estimates and keeps the world informed on the status of energy supplies. The conclusion in this article is that the demand for energy throughout the world continues to rise, but the supply is flat.

I think there is no question that this is a problem this country faces, the problem of supply. Too often people in the Senate are unwilling to talk about the problem of supply. As a matter of fact, in 1995, President Clinton vetoed a bill that would have opened a very small portion, about 2,000 acres, of the ANWR coastal plain, which is a million and a half acres set aside for oil exploration. It would have opened it to oil and gas development. That was shortsighted, a mistake, and it has had a devastating effect on Americans.

As this article in the Wall Street Journal points out, it predicts global demand for oil of 116 million barrels per day by 2030. Today the world's demand is only 87 million barrels a day, and we are paying $135 for each of those barrels. As the demand continues to rise—and we know it will—so will the cost. It will become higher and higher. This is what I have been trying to say now for 20 years in the Senate. We should be able to produce more of America's oil, and we import today 67 percent of our oil.

During the oil embargo in the 1970s, we imported about 34 percent. We are almost totally dependent now on oil from offshore. American oil is not available to this country. The alarming fact is, the military is the largest consumer of oil in the country. It uses about 4.8 billion gallons of oil per year. The problem really is, if we had an embargo today, we could not sustain our military, let alone our essential infrastructure. Our economy could not survive another embargo.

We need to realize we can produce American energy to meet our needs. If we produce it over a period of years, the price will be stabilized. The interesting thing is, on May 1—right here on the Senate floor—the senior Senator from New York called drilling in the Arctic National Wildlife Refuge ''plain wrong.'' He said it was an ''old saw.'' He said the field's probable 1 million barrels a day would reduce gas prices ''only a penny a gallon.''

Then, on May 11, the Senator from New York, Mr. SCHUMER, said:

> There is one way to get the price of oil down and it's two words—Saudi Arabia. If they were to increase 800,000 barrels per day, the price would come down probably 35 to 50 cents a gallon. That's a lot.

Now, why would 800,000 barrels of Saudi oil reduce gas prices 50 cents a gallon and 1 million barrels of American-produced oil from our State reduce the price at the pump only a penny?

As a matter of fact, the Senator from New York said this extra supply from Saudi Arabia would probably reduce the price of a gallon of gas by 62 cents before it was all over. Imagine that: 800,000 barrels of oil from Saudi Arabia could bring down the price of a gallon of gasoline by 62 cents. There is an absolute inconsistency with what the Senator from New York has told the Senate. I find that appalling on a thing such as the oil supply now, in view of the price of gasoline for Americans at the pump. They are paying the price because of President Clinton. They are paying the price because of stubborn opposition to develop the resources in my State.

Now, they tell us that drilling in the arctic could harm the Arctic Wildlife Refuge. It will not. As a matter of fact, the land we are going to develop was set aside in the act of 1980, a million and a half acres in the Arctic Plain, so it could be explored. It will not be part of the Arctic Wildlife Refuge until the exploration and development of that area is over.

I think there is no question we have to find a way to have the Members of this body make up their minds: What is the problem America faces today? It is supply. Our demand is increasing, like the rest of the world, but we do not have an American supply of oil. Off our shores, and in the deep water off Alaska, there is a bountiful supply of oil. We have two-thirds of the Continental Shelf of the United States, and there is only one well on that two-thirds of the Continental Shelf.

If you look over to the other side of the Bering Straits in Russia—Russia, which was a net importer of oil just 20 years ago, now is a net exporter of oil. Why? Because they developed the OCS off their shores. They now have a strong economy in Russia. Why? Because they do not export petrodollars anymore. They use money in their own country to finance development in their own country.

We have to make up our minds whether we are going to face blind opposition, incorrect, and uninformed opposition, or whether we are going to take the actions needed to develop American oil to meet American demand, and whether we are going to use the deep water off our shores to produce oil as does the rest of the world.

Norway produces oil off their shores. Britain produces oil off their shores. As a matter of fact, we produce oil off our southern shore, but we are prevented from producing oil off our northern shore. It is absolutely inconsistent and irrational what we are facing.

Our pipeline, at its peak, was transporting 2.1 million barrels of oil to the west coast of the United States. Today, it is producing about 700,000 barrels a day. It is two-thirds empty, in effect. It would not need a new pipeline to carry the oil that would be produced in ANWR. It is there. It could carry more than 1 million barrels a day easily. Yet it has been opposed. It has been opposed for over 20 years, by the same irrational people who come to the floor and say: Oh, oh, Saudi Arabia, produce more oil. Produce 800,000 barrels of oil a day, and we can probably expect gas prices at the pump to come down 62 cents. But if you bring 1 million barrels of oil down from Alaska, it is only going to affect the price by a penny.

I have to tell you, we have to have smarter energy solutions. I hope the time will come when we have a rational debate on this floor. I am reminded of that rational debate when we finally approved the legislation that brought about the construction of the Alaska oil pipeline in the 1970s. We waited 4 years for that pipeline to start because of stubborn opposition from the extreme environmentalists. It was finally overcome. That opposition was overcome by an act that was started right here on the floor of the Senate, which closed the courts of the United States to any further litigation over building that pipeline.

We were just following the oil embargo. America realized we had to have more American oil. There was no filibuster on this floor. The vote was 49 to 49, and that tie was broken by the then-Vice President.

Now, what has happened? Why should every time we bring up ANWR we have a filibuster? Why can't we bring to the American continent the resources of the continent that happen to be in our State?

Mr. INHOFE. Madam President, will the Senator yield for a question?

Mr. STEVENS. Madam President, I am happy to yield to my friend.

Mr. INHOFE. Madam President, I say to the Senator, I do not want to disrupt your line of thinking because I agree so much with you. But every time I hear people talking about ANWR, and I hear people talking about stopping any drilling or exploration in ANWR, it occurs to me, here you are, the senior Senator from Alaska. You have been here for a long time, and I have gone with you up to the area in which you

are talking about drilling. I have heard people compare that to a postage stamp in a football field or something like that. It is a tiny area up there.

The question I have is twofold. First of all, why is it that as near as I can determine, people who live there all want to explore and resolve this problem we have in this country by drilling and exploring in ANWR? Who are we down here to tell them up in Alaska what is best for them? That would be the No. 1 question.

Then, the second thing is, what I have observed, I say to the senior Senator from Alaska, who has been here longer than I have, is that every time this has come up—I came from the House to the Senate back in 1995—now, on October 27, 1995, we voted 52 to 47, right down party lines, to go ahead and start exploring in ANWR. All the Republicans supported it. All the Democrats opposed it. Then, again, on November 17, 1995, the same thing happened: We voted to explore, the Democrats voted against it.

Then, after all that work was done, the President—then-President Clinton—on December 6, 1995, vetoed the bills that had this authority we had given them to drill. Then the same thing—I could go on and on—but in 2005, the same thing happened. The Senate voted on an amendment to the budget resolution to strike the expansion of exploration in ANWR. It failed by a vote of 49 to 51, right down party lines.

I guess the second question I would ask the Senator is, why is making us self-sufficient a partisan issue? Why do the Democrats oppose it and the Republicans support it?

Mr. STEVENS. I have to tell the Senator, that is comparatively new in terms of my time in the Senate. When I first arrived here, there was bipartisan support for producing American oil. We had a coalition with Republicans and Democrats, and we worked with the administration, whether it was Republican or Democrat, to find a way to bring more oil on line, oil produced by Americans and consumed by Americans.

When the opposition started on a political basis, we were then importing about 20 percent of our oil. As the opposition has continued, as I said, we now import 67 percent. That money, which would have been spent in this country producing millions of jobs, and putting people into permanent jobs, long-term jobs, is going to all these countries throughout the world because we do not have that investment. We have now what we call petrodollars, and we have to send our exports overseas to bring that money back.

This chart shows that 1 million barrels of imported oil cost the American economy 20,000 jobs, and we are importing 14 million barrels a day now.

So I tell the Senator, it is a recent phenomenon comparatively, and it is partisan. It started with President Clinton.

Mr. INHOFE. Well, Madam President, I will only respond to say that is my observation. I have not been here as long as the Senator has, but every year since I have been here, we have had this vote, and the people up there want us to drill, to explore, to produce.

I remember the argument against the Alaska pipeline. They said: Oh, it is going to destroy the caribou. What it has done, if you go up there, as I have been with you at any time during the summer months, the warm months, the only shade the caribou can find is the pipeline. You see them all out there. It has actually had the effect of increasing the breed.

But anyway, I keep thinking, if we had followed through with what we are talking about doing back in the middle 1990s, we would now be producing our own energy, producing our own oil, and we would not have these high prices at the pumps.

Mr. STEVENS. I thank the Senator very much.

I will close on this statement.

Madam President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD. I would hope that the Senate would pay attention to it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, May 22, 2008]

ENERGY WATCHDOG WARNS OF OIL-PRODUCTION CRUNCH

(By Neil King Jr. and Peter Fritsch)

The world's premier energy monitor is preparing a sharp downward revision of its oil-supply forecast, a shift that reflects deepening pessimism over whether oil companies can keep abreast of booming demand.

The Paris-based International Energy Agency is in the middle of its first attempt to comprehensively assess the condition of the world's top 400 oil fields. Its findings won't be released until November, but the bottom line is already clear: Future crude supplies could be far tighter than previously thought.

A pessimistic supply outlook from the IEA could further rattle an oil market that already has seen crude prices rocket over $130 a barrel, double what they were a year ago. U.S. benchmark crude broke a record for the fourth day in a row, rising 3.3% Wednesday to close at $133.17 a barrel on the New York Mercantile Exchange.

For several years, the IEA has predicted that supplies of crude and other liquid fuels will arc gently upward to keep pace with rising demand, topping 116 million barrels a day by 2030, up from around 87 million barrels a day currently. Now, the agency is worried that aging oil fields and diminished investment mean that companies could struggle to surpass 100 million barrels a day over the next two decades.

The decision to rigorously survey supply—instead of just demand, as in the past—reflects an increasing fear within the agency and elsewhere that oil-producing regions aren't on track to meet future needs.

''The oil investments required may be much, much higher than what people assume,'' said Fatih Birol, the IEA's chief economist and the leader of the study, in an interview with The Wall Street Journal. ''This is a dangerous situation.''

The agency's forecasts are widely followed by the industry, Wall Street and the big oil-consuming countries that fund its work.

The IEA monitors energy markets for the world's 26 most-advanced economies, including the U.S., Japan and all of Europe. It acts as a counterweight in the market to the views of the Organization of Petroleum Exporting Countries. The IEA's endorsement of a crimped supply scenario likely will be interpreted by the cartel as yet another call to pump more oil—a call it will have a difficult time answering. Last week, the Saudis gave President Bush a lukewarm response to his plea for more oil, saying they were already adding 300,000 barrels a day to the market, an announcement that did nothing to cool prices.

At the same time, the IEA's conclusions likely will be seized on by advocates of expanded drilling in prohibited areas like the U.S. outer continental shelf or the Alaska National Wildlife Refuge.

The IEA, employing a team of 25 analysts, is trying to shed light on some of the industry's best-kept secrets by assessing the health of major fields scattered from Venezuela and Mexico to Saudi Arabia, Kuwait and Iraq. The fields supply over two-thirds of daily world production.

The findings won't be definitive. Big producers including Venezuela, Iran and China aren't cooperating, and others like Saudi Arabia typically treat the detailed production data of individual fields as closely guarded state secrets, so it's not clear how specific their contributions will be. To try to compensate, the IEA will use computer modeling to make estimates. It will also collect information gathered by IHS Inc., a major data and analysis provider based in Colorado, as well as the U.S. Geologic Survey, a smattering of oil and oil-service companies, and national petroleum councils.

SUPPLY-SIDE GLOOM

But the direction of the IEA's work echoes the gathering supply-side gloom articulated by some Big Oil executives in recent months. A growing number of people in the industry are endorsing a version of the ''peak-oil'' theory: that oil production will plateau in coming years, as suppliers fail to replace depleted fields with enough fresh ones to boost overall output. All of that has prompted numerous upward revisions to long-term oil-price forecasts on Wall Street.

Goldman Sachs grabbed headlines recently with a forecast saying that oil could top $140 a barrel this summer and could average $200 a barrel next year. Prices that high would add to the inflationary pressures weighing on the world economy and to the woes of fuel-sensitive industries such as airlines and autos.

The IEA's study marks a big change in the agency's efforts to peer into the future. In the past, the IEA focused mainly on assessing future demand, and then looked at how much non-OPEC countries were likely to produce to meet that demand. Any gap, it was assumed, would then be met by big OPEC producers such as Saudi Arabia, Iran or Kuwait.

But the IEA's pessimism over future supplies has been building for some time. Last summer, the agency warned that OPEC's spare capacity could shrink ''to minimal levels by 2012.'' In November, it said its analysis of projects known to be in the works suggested that the world could face a shortfall by 2015 of as much as 12.5 million barrels a day, unless there was a sharp drop in expected demand. The current IEA work aims to tally the range of investments and projects under way to boost production from the fields in question to get a clearer sense of what to expect in production flows.

''This is very important, because the IEA is treated as the world's only serious independent guardian of energy data and forecasts,'' says Edward Morse, chief energy

economist at Lehman Brothers. Examining the state of the world's big oil fields could prod their owners into unaccustomed transparency, he says.

Some critics of the IEA, while praising its new study, say a revision in the agency's long-term forecasting is long overdue. The agency has failed to anticipate many of the big energy developments in recent years, such as the surge in Chinese demand in 2004 and this year's skyrocketing prices. ''The IEA is always conflicted by political pressures,'' says Chris Skrebowski, a London-based oil analyst who keeps his own database on big petroleum projects and is pessimistic about supply. ''In this case I think they want to make as incontrovertible as possible the fact that we are facing a real crunch.''

U.S. FORECASTS

The U.S. Energy Department's own forecasting shop, the Energy Information Administration, has long stuck to the same demand-driven methodology as the IEA, assuming that supply will keep up with the world's growing hunger for oil. But the U.S. agency also has embarked on its own supply study, which it hopes to complete this summer. Like the IEA, its preliminary findings are somewhat gloomy: They suggest daily output of conventional crude oil alone, now about 73 million barrels, will plateau at 84 million barrels, and that it will take a significant uptick in production of nonconventional fuels such as ethanol to push global fuel supplies over 100 million barrels a day by 2030.

''We are optimistic in terms of resource availability, but wary about whether the investments get made in the right places and at a pace that will bring on supply to meet demand,'' says Guy Caruso, the U.S. agency's administrator.

In Paris, analysts at IEA also fret that a lack of investment in many OPEC countries, combined with a diminished incentive to ramp up output, casts serious doubt over how much the cartel will expand its production in the future. The big OPEC producers have been raking in record profits, creating a disincentive in many countries to sink more billions into increased oil production.

Meanwhile, politics and other forces are delaying projects that could bring more oil on-stream. Continued fighting in Iraq has stymied efforts to revive aging fields, while international sanctions on Iran have kept investments there from moving forward. Rebel attacks in Nigeria and political turmoil in Venezuela have cut into both countries' output. Big non-OPEC producers such as Mexico and Russia, which have either barred or sidelined international operators, are seeing production slump. The U.S., with a legal moratorium barring exploration in 85% of its offshore waters, is struggling to keep its output steady.

The IEA study will try to answer one question that bedevils those trying to forecast future prices and the supply-demand balance: How rapidly are the world's top fields declining? The rates at which their production dwindles over time are a much-debated barometer of the health of the world's oil patch.

DEPLETION RATE

A study released earlier this year by the Cambridge Energy Research Associates, a consulting firm and unit of IHS, concluded that the depletion rate of the world's 811 biggest fields is around 4.5% a year. At that rate, oil companies have to make huge investments just to keep overall production steady. Others say the depletion rate could be higher.

''We are of the opinion that the public isn't aware of the role of the decline rate of existing fields in the energy supply balance, and that this rate will accelerate in the future,'' says the IEA's Mr. Birol.

Some analysts, however, contend that scarcity isn't the issue—only access to reserves and investment in tapping them. ''We know there is plenty of oil and gas resource in the world,'' says Pete Stark, vice president for industry relations at IHS. He says the difficulties of supply aren't buried in oil fields, but are ''above ground.''

Mr. Morse at Lehman Brothers notes that there are plenty of questions about supply yet to be answered. ''However confident the IEA may be about the data it has, they know nothing about the resources we've yet to discover in the deep waters or in the arctic,'' he says.

Mr. STEVENS. Madam President, I do thank the Chair for her patience.

Let me do one last thing.

(The remarks of Mr. STEVENS pertaining to the submission of S. Res. 575 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. STEVENS. I thank the Chair for her patience and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Alaska. This is a frustration I have felt for so long: that it is not just that right down party lines we are not able to produce in ANWR, but also it goes offshore. We have tried, on the Republican side, to do something about increasing the supply—by drilling in Alaska, by going at the tar sands, and I am sure the Senator from Colorado will talk a little bit about shale out in the western part of his State and in my State of Oklahoma, trying to give tax incentives for the production at marginal wells, which are wells that produce under 15 barrels of oil a day.

I can give a statistic that I do not have to back up because it has never been refuted. If we had all the marginal wells flowing today that have been shut down in the last 10 years, it would amount to more than we are currently importing from Saudi Arabia.

So I think it is very arrogant, when you have two hard-working Senators and one Member of the House from Alaska who want very much to do what 100 percent of the people want to do in Alaska; that is, to improve their economy by producing cheap oil for us domestically so we can bring down the price of gas, when they will not allow us to do it.

Let me make one comment. I am going to be joined by the Senator from Colorado. I want to touch upon one other area.

If we had been and would be successful in being able to drill more oil domestically so we can bring down the price of gas, no matter how much we produced, it can't go into the gas tank until it has been refined. So refining capacity is something that is very critical in this country. Again, right down party lines, they have prevented us from having that refinery capacity.

Three different times I had on the floor a bill called the Gas Price Act. All it was was a bill to start building refineries in America. It has been 30 years; 1976 was the last refinery we had in America. What we need to do is start building refineries. Well, with the BRAC process—and for those of you who come from States that don't have any military operations, you may not know what this is, but the BRAC process is the Base Realignment and Closure Commission. That is where you go through an independent entity to determine which of the military installations should be shut down. Of course, when you shut down a military installation, it is economically devastating to the adjoining communities.

With the Gas Price Act, what we have done is provide that if you have been shut down as a military installation, we could provide assistance through the Economic Development Administration for cities—if they are so inclined—to make applications so that they can turn these closed bases into refineries.

I thought when we developed this thing that it wouldn't be a problem at all because no one should be against it. Everyone knows we have to increase our refining capacity. We offered amendments on this bill to streamline the process.

Also, if people changed their minds in communities, they would be able to stop this from taking place. States have a significant, if not dominant, role in permitting existing or new refineries. Yet States face particularly technical and financial constraints when faced with these extremely complex facilities. So my Gas Price Act requires the administrator to coordinate and concurrently review all permits with the relevant State agencies to permit refineries. This program does not waive or modify any environmental law and consequently should not have had anyone in opposition to it.

Now, we brought it twice to the floor—three times to the floor and twice we had votes—and right down party lines, every Democrat voted against the Gas Price Act. All we wanted to do, along with the local governments and local communities, was to build refineries so that we could refine what will hopefully be someday an increase in capacity so we will not be reliant upon foreign countries for our ability to run this machine called America, but we would be able to produce our own energy.

I think it is important that every time we talk about increasing production, which we just have to do, we also have to talk about the refining capacity. We are all ready to go, I say to my good friend from Colorado, with the Gas Price Act if we are able to move in that direction.

I believe that over the Memorial Day recess, when everybody is out there driving and people are much more sensitive to the price of gas, they are going to look back and say: You know, maybe the Republicans were right all of those years; maybe we should be increasing our supply, as the Senator from Alaska put it, of gasoline and oil produced in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I wish to thank the Senator from Oklahoma on this particular issue. I also wish to thank the last speaker, TED STEVENS of Alaska, for his leadership in making sure we have adequate energy for the American people. Right now, we are falling short. The reason for that is this Congress. It is not business where we should assert blame; it is not the stock markets we have heard blamed on this floor, or the futures market. It is simply because Congress has been tying up these reserves and not providing the incentives we need to move ahead with oil refineries and to make supplies available on the market.

This is a supply-and-demand issue. The demand in this country is exceeding the supply. If we want to become less dependent on foreign oil, we need to do more than what we have done historically.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3062 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALLARD. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, I agree wholeheartedly with the comments and the legislative ideas my friend from Colorado has. Again, it is a great frustration that we have tried so hard for so many years to expand our supply here in this country. Hopefully, now, one of the benefits we will get from the high price of fuel is the recognition that we have to start producing our own energy in this country. That is what we should be doing.

Hopefully, after this holiday, when we get back, enough people will have spent enough money driving around and there will be enough political pressure that we can get people to agree to start drilling in ANWR, drilling offshore, drilling in the shale area, and experimenting in some of these areas where we could become totally self-sufficient in America.

IRAQ WAR

Mr. INHOFE. Madam President, I wish to address a little-known secret, a secret to the media and therefore a secret to the American people; that is, we are winning the war in Iraq.

Yesterday, I read an article—I think it was maybe the day before yesterday—in the New York Post by Ralph Peters. It was called ''Success in Iraq: A Media Blackout.'' In it, he writes:

> As Iraqi and coalition forces pile up one success after another, Iraq has magically vanished from the headlines. Want a real ''inconvenient truth''? Progress in Iraq is powerful and accelerating.

I think he hit the nail on the head. When this war got tough, the cut-and-run defeatist provisions started making their way into bills and amendments. Those provisions send a powerful message to our troops and to our enemies: America is not committed to this fight.

But America has remained committed, and through that commitment we continue to attain success. I have been to Iraq, and I have watched the tide turn. I believe I have been there many more times than any other Member. I am on the Senate Armed Services Committee, and I spend time there. I see, month after month, the changes in what has happened since the acceleration.

My visit in June 2006 was in the wake of Zarqawi's death. Iraqis were operating under a 6-month-old parliament. Al-Qaida continued to challenge coalition forces throughout Iraq. In response, coalition forces launched 200 raids against al-Qaida, clearing out the strongholds. The newly appointed Defense Minister and I discussed the current situation in Iraq, the violence brought to that country by al-Qaida, and the transformation beginning in Iraq. I saw the emergence of a sense of what Iraq could be.

Fast forward to May 2007. I returned to Iraq and visited Ramadi, Fallujah, Baghdad, and several other areas. Ramadi went from being controlled by al-Qaida and hailed as a capital under control of the Iraqi troops—by the way, this was at a time when Ramadi was being declared as the potential terrorist capital of the world. We saw neighborhood security watch groups identifying the IEDs with orange spray paint. We saw joint security stations. Things started accelerating and improving over there. Increased burden-sharing was taken on by the Iraqis. Fallujah came under the control of the Iraqi brigade. We had our marines there going door to door World War II style. At that time, I observed—in May 2007—that all of the sudden it was under their own security. Al Anbar changed from a center of violence to a success story. In Baghdad, sectarian murders decreased 30 percent, and joint security stations stood up, forming deep relationships between coalition and Iraqi forces and civilians—''brotherhood of the close fight,'' as General Petraeus put it. You have to be there to see it and witness personally the excitement that is demonstrated by the Iraqis and the pride they have that they are now in a position to do things for themselves that they were depending on us for before.

On July 30, 2007, 2 months after I returned from Iraq, Michael O'Hanlon and Kenneth Pollack wrote an op-ed piece in the New York Times. It was interesting because we had never seen anything positive about our troops or about the war effort in the New York Times. This one talked about troop morale, that it was high, with confidence in General Petraeus's strategy; civilian fatality rates were down roughly a third since the surge began; the streets in Baghdad were coming back to life with stores and shoppers. I can remember that. When I am over there, I will go into a shopping area and go up to someone carrying a baby and talk to them through an interpreter. That is where you get to people who are excited because there could be a new life in the young person. They noted that American troop levels in Tal Afar and Mosul numbered only in the hundreds because the Iraqis stepped up to the plate. More Iraqi units were well integrated in terms of ethnicity and religion. Local Iraqi leaders and businessmen were cooperating with embedded provincial reconstruction teams to revive the local economy and build new political structures.

I returned to Iraq on August 30, and the surge continued its success. I traveled to the contingency operating base in Tikrit, Patrol Base Murray, south of Baghdad, and visited with Ambassador Crocker and General Petraeus, who gave his wonderful testimony this morning to the Senate Armed Services Committee.

I saw again on July 30 a significantly changed Iraq. Less than half of the al-Qaida leaders who were in Baghdad when the surge began were still in the city. They either fled, have been killed, or have been captured. The U.S. troop surge in Iraq threw al-Qaida off balance and produced dramatic results. There was a 75-percent reduction in religious/ethnic killings in the capital. They doubled the seizures of insurgents' weapons caches. There was a rise in the number of al-Qaida kills and captures. There was the destruction of six media cells—degrading al-Qaida's ability to spread propaganda. Anbar incidents and attacks dropped from 40 per day to less than 10 a day. This is between the two times I had been there. The economy grew and markets were open, crowded, stocked, selling fresh fruit, and running as you would expect them to. A large hospital project in the Sunni Triangle was back on track The Iraqi Army performance was significantly improving. Iraqi citizens formed a grassroots movement called Concerned Citizens League. Most of the cities in America, including my cities in Oklahoma, have neighborhood watch programs, where the neighborhoods and people who live there are watching to prevent crimes. That is what is happening in Baghdad and throughout Iraq.

You now see Baghdad returning to normalcy. You see kiddie pools, lawns cared for, amusement parks, and markets. The surge provided security, and security allowed local populations and governments to stand up. Basic economics took root, and Iraqis began spending money on Iraqi projects.

In September, a month later, Katie Couric was there. If there is one who has been a critic of anything in this administration, our troops, or anything happening in Iraq, it is Katie Couric. She said:

> Well, I was surprised, you know, after I went to eastern Baghdad. I was taken to the

Allawi market, which is near Haifa Street, which was the scene of that very bloody gun battle back in January, and, you know, this market seemed to be thriving, and there were a lot of people out and about. A lot of family-owned businesses and vegetable stalls, and so you do see signs of life that seem to be normal . . . the situation is improving.

Madam President, that is not Senator INHOFE talking, it is Katie Couric, who has been probably the worst critic of things over there. So people are realizing that good things are happening.

Despite these successes, the truth about what our troops and the coalition have accomplished in Iraq, it is hidden by the mainstream media. In a recent report of the Media Research Center, it shows that as the improvements took place—this is the timeframe I was talking about, in late 2007. There were this many stories in 2007, and as things improved, it went from 178 in the month of September, down to 108 in October, down to 68 in November, and it shows the media bias that is out there.

As Ralph Peters put it in the article I quoted a minute ago:

The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

I returned to Iraq on March 30 of this year, just about the same time Prime Minister Maliki kicked off his Basra campaign. I was at Camp Bucca, right next to Basra, when they took the initiative. I was there working with Major General Stone and saw what his task force is doing now for detainees.

Before I talk about detainees, let me say how proud their troops were that, for the first time in a major surge, they came into Basra to take care of their own province. We were there.

I have been disturbed about the representation as to how our detainees have been treated. I stopped down at Camp Bucca, the largest detainee camp anywhere in all of Iraq. They separated the extremists and were arming the moderates with education and job skills. We found out that most of them—the vast majority of those who were detainees were actually working before they became detainees, and they were fighting because there is total unemployment there. The only place they could get a job was with the military.

What General Stone has done such a great job of is retraining these people—training them to be carpenters and masons. It is very successful, truly turning bombers and criminals into productive Iraqi citizens and sending them back into the population. Out of 6,000 released, only 13 were rearrested. That kind of tells us the success story. These people are integrating in and working on our side, working in neighborhood groups.

We are now seeing the lowest violence indicators since April 2004. The Iraqi people are turning away from violence. The Government of Iraq is asserting more control, searching out militia and insurgent strongholds.

Operations in Basra and, more recently, in Sadr City have shown the capabilities of the Iraqi security forces and the will of Iraqi leadership. I wish you could have been at the hearing this morning. You could have seen and listened to the progress being made in Sadr City. The Iraqi people are just taking back their streets.

As Ralph Peters said in his article, instead of the media even mentioning the positive role the Iraqis are taking in fighting this war, they focus on a small fraction of Iraqi soldiers choosing not to fight. Mr. Peters, I agree with you that ''our troops deserve better, the Iraqis deserve better, and you, the American people, deserve better. The forces of freedom are winning.'' That is what he said, and I agree.

Iraq is at a decisive turning point in its journey toward democracy. The surge created opportunities that the Iraqi people have not taken for granted. The ''awakening'' is spreading from Al Anbar to Diyala Province. ''Concerned Citizens Leagues,'' through coalition support, are now taking back Iraqi streets from the insurgents. The once turbulent and violent Al Anbar Province has returned to Iraqi control. They are actually doing these things themselves.

The surge enabled the Government of Iraq to meet 12 out of the original 18 benchmarks set for it, including 4 out of the 6 legislative benchmarks. That means their Government is starting to put it together.

Iraq has also conducted a surge, adding well over 100,000 additional soldiers—these are Iraqi security forces—and police to the ranks of its security forces in 2007 and is slowly increasing its capability to deploy and employ these forces.

It is anticipated that Iraq will spend over $8 billion on security this year and $11 billion next year. Iraq's 2008 budget has allocated $13 billion for reconstruction, and a $5 billion supplemental budget this summer will further invest export revenues in building the infrastructure.

What I am saying is that the reconstruction in that country is now being paid for by the Iraqis. One of the chief criticisms we have had by people whom I call the cut-and-run folks was that they are not paying their own part.

One of the best programs we have is the Commander Emergency Relief Program, which allows our commanders to make determinations as to what needs to be done immediately. It is spending a small amount of money and will go a long way by doing it. How many people know that the Iraqi Government recently allocated $300 million for our forces to manage the Iraqi CERP? They are taking over their own responsibility.

The Iraqi Government has also committed $163 million to gradually assume Sons of Iraq contracts, $510 million for small business loans, and $196 million for a joint training and reintegration program. Oil reserves are being shared with the provinces.

Al-Qaida is a spent force in Iraq. Syria has ceased supporting foreign fighters in Iraq. The Saudis are cracking down on supporters of Islamic terrorists in their own country. Iran is becoming isolated.

We have to remain focused and realize that these successes will not continue until we, the people, become so informed that we recognize the successes.

The first thing I hear from the Iraqi forces on the many trips I have made there is that: The people of America don't appreciate what we are doing. Now they know more than before how much we do appreciate it, how critical it is that we stay with it.

I think—and I will wind up with this—Ahmadinejad made a statement, and inadvertently he was a great help to us because when all the surrender resolutions were entered in this body, the President of Iran assumed one was going to pass and America was going to leave Iraq—he made the statement that when America leaves Iraq, it is going to create a vacuum, and we are going to fill that vacuum.

Anyone who knows history in the Middle East knows there are no two groups who dislike each other more than the Iranians and Iraqis. That got the attention of the Iraqis. That is one of the many reasons, with the supernatural powers in intelligence and war capabilities of General Petraeus and General Odierno and some of the rest who are involved, that caused this whole thing to turn around.

The success story is well told in the article to which I referred. I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS IN IRAQ: A MEDIA BLACKOUT
(By Ralph Peters)

May 20, 2008.—DO we still have troops in Iraq? Is there still a conflict over there?

If you rely on the so-called mainstream media, you may have difficulty answering those questions these days. As Iraqi and Coalition forces pile up one success after another, Iraq has magically vanished from the headlines.

Want a real ''inconvenient truth''? Progress in Iraq is powerful and accelerating.

But that fact isn't helpful to elite media commissars and cadres determined to decide the presidential race over our heads. How dare our troops win? Even worse, Iraqi troops are winning. Daily.

You won't see that above the fold in The New York Times. And forget the Obama-intoxicated news networks—they've adopted his story line that the clock stopped back in 2003.

To be fair to the quit-Iraq-and-save-the-terrorists media, they have covered a few recent stories from Iraq:

When a rogue U.S. soldier used a Koran for target practice, journalists pulled out all the stops to turn it into ''Abu Ghraib, The Sequel.''

Unforgivably, the Army handled the situation well. The ''atrocity'' didn't get the traction the whorespondents hoped for.

When a battered, bleeding al Qaeda managed to set off a few bombs targeting Sunni

Arabs who'd turned against terror, that, too, received delighted media play.

As long as Baghdad-based journalists could hope that the joint U.S.-Iraqi move into Sadr City would end disastrously, we were treated to a brief flurry of headlines.

A few weeks back, we heard about another Iraqi company—100 or so men—who declined to fight. The story was just delicious, as far as the media were concerned.

Then tragedy struck: As in Basra the month before, absent-without-leave (and hiding in Iran) Muqtada al Sadr quit under pressure from Iraqi and U.S. troops. The missile and mortar attacks on the Green Zone stopped. There's peace in the streets.

Today, Iraqi soldiers, not militia thugs, patrol the lanes of Sadr City, where waste has replaced roadside bombs as the greatest danger to careless footsteps. U.S. advisers and troops support the effort, but Iraq's government has taken another giant step forward in establishing law and order.

My fellow Americans, have you read or seen a single interview with any of the millions of Iraqis in Sadr City or Basra who are thrilled that the gangster militias are gone from their neighborhoods?

Didn't think so. The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

Meanwhile, they've performed yet another amazing magic trick—making Kurdistan disappear.

Remember the Kurds? Our allies in northern Iraq? When last sighted, they were living in peace and building a robust economy with regular elections, burgeoning universities and municipal services that worked.

After Israel, the most livable, decent place in the greater Middle East is Iraqi Kurdistan. Wouldn't want that news getting out.

If the Kurds would only start slaughtering their neighbors and bombing Coalition troops, they might get some attention. Unfortunately, there are no U.S. or allied combat units in Kurdistan for Kurds to bomb. They weren't needed. And (benighted people that they are) the Kurds are proAmerican—despite the virulent anti-Kurdish prejudices prevalent in our Saudi-smooching State Department.

Developments just keep getting grimmer for the MoveOn.org fan base in the media. Iraq's Sunni Arabs, who had supported al Qaeda and homegrown insurgents, now support their government and welcome U.S. troops. And, in southern Iraq, the Iranians lost their bid for control to Iraq's government.

Bury those stories on Page 36.

Our troops deserve better. The Iraqis deserve better. You deserve better. The forces of freedom are winning.

Here in the Land of the Free, of course, freedom of the press means the freedom to boycott good news from Iraq. But the truth does have a way of coming out.

The surge worked. Incontestably. Iraqis grew disenchanted with extremism. Our military performed magnificently. More and more Iraqis have stepped up to fight for their own country. The Iraqi economy's taking off. And, for all its faults, the Iraqi legislature has accomplished far more than our own lobbyist-run Congress over the last 18 months.

When Iraq seemed destined to become a huge American embarrassment, our media couldn't get enough of it. Now that Iraq looks like a success in the making, there's a virtual news blackout.

Of course, the front pages need copy. So you can read all you want about the heroic efforts of the Chinese People's Army in the wake of the earthquake.

Tells you all you really need to know about our media: American soldiers bad, Red Chinese troops good.

Is Jane Fonda on her way to the earthquake zone yet?

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

ENERGY PRICES

Ms. CANTWELL. Madam President, I rise, similar to many of my colleagues this afternoon, to talk about the high price of gasoline and what we need to do as we are leaving Washington and going home for Memorial Day recess to hear, I am sure, from many constituents that they are very concerned about this crisis of paying an ever-increasing amount for gasoline.

Today, I am sure, the market is going to set another record for the number of days gas prices continue to go up, and our constituents want to see relief. I know many of my colleagues have come out here and talked about new supply. I certainly feel one of the biggest priorities the Senate has is to pass a tax credit bill for renewable energy so we can get predictability in the market and continue to get new energy incentives in place. That will take pressure off some of these other supply issues. But many of my colleagues keep talking about the United States looking for more oil or things the United States can do to get into the oil game in a more robust way.

This chart shows it pretty clearly. The United States has 2 percent of the world's oil reserves—2 percent. These are all the other countries with which my colleagues are familiar: Saudi Arabia at 20 percent of the world's oil reserves; Iraq and Iran, another 18 percent. These are the big players.

The point is, the United States is not going to dramatically impact the price of oil by what we do with only 2 percent of the world's oil reserve. So if we want a solution, we are not going to get a solution out of what the United States can do in continuing to be addicted to oil.

It is very important to also note that in the past, we have had many a conversation about this problem and what is the high price of gasoline. We had the same debate when it was the high price of electricity. No one wanted to hear about any other issue than the fact that it was just a supply-and-demand problem. In fact, the Vice President in 2001 said, when talking about the electricity crisis, when prices were going through the roof:

> They have got a whole complex set of problems out there that are caused by relying only on conservation and not doing anything about the supply side of the equation.

We found out very shortly thereafter that, no, that was not right. It was not about conservation and supply side; it was about the manipulation of the electricity market. There were lots of people like that. The Cato Institute had a similar take on it. This was in 2002. In 2002, we had gone through much of the Enron debacle, and we had seen prices in the State of Washington for electricity rise almost 3,000 times what they had been. Yet people were still saying:

> Most of the price spike in 2000–2001 is explained by drought, increased natural gas prices, the escalating cost of nitrogen oxide emissions . . . and retail price controls.

We all know the history, now that we have had a few years to look back on it. It wasn't those supply and demand factors but the fact that we actually had unbelievable manipulation of the electricity market.

The reason why I am bringing that up is because I wish to make sure we are policing the oil markets. I wish to make sure we in the United States are doing everything we can to burst this oil price bubble we are seeing. We want to pop this price bubble and give consumers a more reliable number about supply and demand that even the oil company executives are saying. They have testified before Senate committees saying oil should be anywhere from $50 to $60 a barrel; that what we are seeing in the marketplace is not about the normal supply-and-demand features, but it is actually about the fact that something else is going on in the marketplace. This is one CEO from ExxonMobil, recently in early April, who testified:

> The price of oil should be about $50–$55 per barrel.

I am not against discussions about future oil exploration. That is not the point. The point is, what are we going to do to solve this problem and burst this price bubble that while we are going out for the Memorial Day recess is going to continue to plague the economy, continue to plague our consumers, and continue to cause major havoc to our economy.

I think one of the solutions is to ensure effective oversight in the oil market as it relates to oil futures. I know people say they might not wish to talk about oil futures, but I am going to talk about oil futures because of the effect of substantial deregulation has had on these markets. On December 15 of 2000, at 7 p.m. on a Friday night as Congress was adjourning a lame-duck session, the last day of the 106th Congress, on an 11,000-page appropriations bill came to the floor of the Senate, we added a 262 page amendment—the Commodities Futures Modernization Act—that basically deregulated the energy futures market and said it didn't have to have the oversight of other products.

While the Commodities Exchange Act Reauthorization that recently passed as part of the Farm bill gives the CFTC more teeth to police these U.S. futures markets, under an administrative loophole speculators are still free to trade U.S. based energy commodities on U.S. trading engines free from full U.S. oversight meant to prevent fraud, manipulation, and excessive speculation. This is done under and informal CFTC staff ''no-action'' letter, which essentially means that the CFTC will not take action against

a foreign exchange to prevent fraud, manipulation, and excessive speculation. That means, at least on ICE Futures Europe, trading of U.S. crude oil futures, particularly the West Texas Intermediate oil contract, and U.S. home heating oil futures and U.S. gasoline futures—products that are produced in the United States, delivered in the United States, consumed in the United States, and traded in the United States—are escaping U.S. oversight. I think that is a great concern to the American consumer who wants to make sure we have transparency in energy markets.

If we think about other trading, stocks for example, we have the Securities and Exchange Commission. They look at the stock market, and they have oversight to make sure there is nothing untoward happening in the market, like manipulation. We also have NYMEX, another exchange in the United States. The Commodity Futures Trading Commission oversees that futures exchange and has oversight. Also the Chicago Mercantile Exchange—the CFTC has oversight of that futures exchange. The CFTC implements market rules. But as for trading U.S. energy futures on ICE Futures Europe, the CFTC has said: No, we don't have to have oversight of that exchange.

As I mentioned, the Congress has charged the CFTC with protecting consumers by policing futures markets for fraud, manipulation, and excessive speculation. It does this by requiring certain market rules like position limits, large trader reporting, record keeping, and trader licensing and registration. These are tried-and-true tools that Government has used to protect consumers, to protect investors, to protect business, to protect our economy, to make sure manipulation is not happening.

I often think these are great programs, but wonder why we allow certain trading of critical energy commodities to escape such oversight requirements. I always like to give the example of cattle futures because somehow it seems we are more willing to regulate hamburger in America and than we are oil.

Here are two examples of U.S. commodities: cattle futures trading and oil futures trading. When we look at the rules, cattle futures are not an exempt commodity; but when you consider the ICE Futures Europe, oil certainly is. For cattle futures, the exchange trading U.S. cattle futures has to register with the CFTC, whereas oil trading on the ICE Futures Europe does not. And daily reporting requirements: more for hamburger and less for oil on ICE Futures Europe. What about speculative limits? more for hamburger and less for oil on ICE Futures Europe.

Why am I so concerned about this significant change that transpired? The significant change that transpired is since ICE Futures Europe—which again is not subject to U.S. oversight meant to prevent fraud, manipulation, and excessive speculation—began trading West Texas Intermediate oil in February 2006, oil has gone from $60 a barrel in 2006 now to over $134 a barrel. You bet I want to get down to the brass tacks about exactly how this exchange is working, to have the oversight and to see what large trading positions are being used in this market.

Many people have a concern about this. One report in the Asia Times was quoted as saying:

> Where is the CFTC now that we need [speculation] limits? It seems to have deliberately walked away from its mandated oversight responsibilities in the world's most important traded commodity, oil.

This is by F. William Engdahl, who said this in early May of this year.

People are observing and wanting to know what we are going to do about this situation. That is why I think it is incredibly important to take action. What am I talking about, taking action? First of all, today Senator SNOWE and myself and several of our colleagues are sending a letter to the CFTC insisting that they reverse their no action in oversight of this foreign market, noting that this is a dark foreign market where oil futures are traded. We are saying bring the bright light of day into this exchange and protect consumers by ensuring that market manipulation of oil prices is not happening.

As I said, the CFTC basically gave up this oversight under an informal staff no action letter process. How did this happen? Well, in 1999 the London based International Petroleum Exchange, the IPE, which was a much smaller and foreign owned exchange, asked the CFTC for a no action letter, and received it. The IPE wanted to locate trading terminals in the U.S. but did not want to be subject to direct CFTC oversight. The CFTC decided that the IPE did not have to have to be subject to direct CFTC oversight because the CFTC agreed that the United Kingdom was going to be doing it. Then, in 2001, the U.S. owned, Atlanta based, Inter-Continental Exchange, or ICE, came along and bought the IPE. After that, the now U.S. owned IPE continued to escape U.S. oversight even though it received the foreign exchange no action letter based on it being a foreign based exchange.

So, in 2001, we can see a U.S. based entity basically purchased this foreign exchange, and the CFTC did not take action. In 2006, now named ICE Futures Europe, it starts trading what is a U.S. oil product, trading on U.S. desks in the United States and the CFTC continues to basically take no action to review that.

Our letter says the CFTC should start reviewing these trades immediately and reverse their no action decision. We hope that while we are at recess, the CFTC will take this action.

Why is this so important? Because many are concerned that U.K. oversight over U.S. energy trading is not sufficient to protect our consumers from fraud, manipulation, and excessive speculation. In fact, CFTC Commissioner Bart Chilton, on April 22 of this year, said:

> I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry by the [United Kingdom's Financial Services Authority].

He is basically saying he has great concerns about the oversight by the government in the United Kingdom. He should have great concerns about that because the oversight in the United Kingdom is not comparable to the oversight in the United States.

The problems at the FSA led to the collapse of England's Northern Rock Bank. There was much written about this issue. They had high turnover in the staff, inadequate numbers to carry the load of what they were responsible for, very limited direct contact with the bank, incomplete paperwork, and limited understanding of their duties.

All this led to major problems, and it led the CEO of the Financial Services Authority to say:

> It is clear from the thorough review carried out by the internal audit team that our supervision of Northern Rock in the period leading up to the market instability of late last summer was not carried out to a standard that was acceptable.

There are those in the United Kingdom who are criticizing the oversight abilities of their Financial Services Authority to handle this area.

The CFTC could act today in helping the United States bust this price bubble by doing their job and step in to provide needed oversight of this market.

One energy trader analyst from Oppenheimer said in April:

> Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up.

This is what energy analysts are saying. So we have a great deal of continuity in the marketplace of people telling us it is time for us to act. In fact, we are going to be having a hearing when we return on Tuesday after the Memorial Day recess. I know we are going to hear from many people, but one of them will be Professor Greenberger of the University of Maryland Law School, a former CFTC department head, who testified before one of our joint Democratic Policy Committee hearings. He says:

> The ICE [oil trading] loophole could be ended immediately by the CFTC without any legislation.

I want to make sure the CFTC knows we will continue to pursue this. We hope they take action. We hope they will address this issue. But if they do not, we stand ready to make sure oversight in this financial market, that is a dark market on the ICE Futures Europe exchange, has the bright light of day and that they take immediate action to start investigating what is happening in our U.S. commodities markets so we can give consumers better protection. It is time to burst the oil price bubble. I think people everywhere across this country, and analysts on Wall Street, are saying: This is

not supply and demand. So it is up to us to make sure we have the enforcement in place to protect consumers, and that is what we hope the CFTC will realize their role and responsibility is.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I was very interested in the distinguished Senator's remarks and her analysis. What is interesting to me is that a number of years ago Boone Pickens came to me and when oil was down around $40 a barrel, he said: Orrin, oil is going to go to 60 bucks a barrel, and it is going to go up from there to $100 a barrel. This was years ago. And I said: That is not true. He said: It is true. Well, he told me a couple of weeks ago, and this is pathetic, and said we are sending $600 billion of our money to purchase non-American oil when we have it within our grasp to create much of the oil the United States of America needs from our own American oil sources.

I will cite with particularity the oil shale and tar sands in Colorado, Wyoming, and Utah. It is well established that there are 3 trillion potential barrels of oil there, and it is pretty much taken for granted that we can get at least 800 billion to almost 2 trillion barrels of oil out of that at somewhere between $40 and $60 a barrel. But because of legislative maneuvering by my friends across the aisle, we can't get regulations established to do the work that has to be done.

Now, I am for every form of alternative oil. And, frankly, nobody has a right to say I am not because I am the one who passed, with some very important colleagues, the CLEAR Act. The CLEAR Act created the incentives for alternative fuels, alternative fuel vehicles and alternative fuel infrastructure that are being used right now.

Ms. CANTWELL. Will the Senator yield for a question?

Mr. HATCH. Yes.

Ms. CANTWELL. I certainly want to say that I know of the work of the Senator from Utah, because we worked together on plug-in hybrids and other incentives, and he clearly does support renewable fuels and changing our tax credit policies, so I applaud that.

I am glad you brought up Boone Pickens, because I heard him on the TV the other day, I think it was 2 days ago, and he said that while he thought the United States had great opportunity in natural gas, he thought the way to get off our dependence on foreign oil, besides that, was to make investment in wind and solar. So I will look forward to working with the Senator when we return on trying to push those tax policies to make sure we continue to incent those good renewable energy policies.

Mr. HATCH. Well, I thank the Senator from Washington for her comments, because she has been central to this effort, especially with regard to plug-in hybrid vehicles. Now, those are a still a distance away yet, but, nevertheless, we can do it. That effort may not completely solve our energy problem, but it certainly would alleviate some of it.

In addition, a number of other measures I put through are the investment tax credits to spur the development of solar, geothermal, wind, and other renewable forms of electricity. No question about it. But that alone still not going to solve our problem, especially not with liquid fuels.

We had testimony yesterday from oil company executives who said if we do everything in our power on alternative fuels by 2025, or around that time, we might be able to get 20 percent of our energy needs. But in the meantime, what are our cars, trucks, trains, and planes going to run on? They have to run on oil. And we have the oil within the confines of the United States, on land and offshore, to resolve a lot of these difficulties. But it will take years even to do that, if we can get past the environmental extremists to be able to do this. In the meantime, we are losing jobs, we are losing our economy, and we are losing with respect to a lot of other problems. In the end, we are going to have to resolve it by drilling for American oil, both conventional and unconventional oil, and we have the ability to do it, and to do it in ways that make sense, that are environmentally sound, and are economical. Some of my colleagues on the other side object to Canadian oil because Canada is putting up a million barrels a day out of their tar sands, and they do not like the fact the tar sands have some carbon in them. But the fact is, Canada is going to go to 3 million barrels a day. So what do we do if we don't take Canadian oil when they are happy to sell it to us? We are going to have to go to Venezuela, Russia, the Middle East, and other places to get our oil, and many of those countries are antithetical to what we believe in and are not particularly happy about United States power in this world.

Now, Mr. Pickens also predicted it is only going to be a matter of time until we are going to be called in and these oil barons from these other foreign lands, who aren't particularly enamored of the United States—in fact, if anything, they are jealous of the United States—are going to say: You have been consuming 25 percent of the world's oil, but you only have 6 percent of the world's population. We are going to have to cut you back, especially now that they can sell all they want to China, India, and other countries that are voracious in their demands for oil.

We have to wake up and realize we can't sit back and hope ethanol is going to solve this problem. We can produce about 5 billion barrels of ethanol, which is the equivalent to about 3½ billion gallons of oil. However, we consume 3½ billion gallons of gas. If we do everything in our power to do ethanol, we are not going to be able to resolve our energy problem without increasing our oil supply, too.

I might add that I see some very important work being done on renewables. I talked to my friend Vinod Khosla. Vinod is building a solar thermal plant, 200 megawatts, in California that should be finished by 2010. He believes we can do that all over the place. Boone Pickens has decided that in the wind corridor from Canada right down through Texas, he could build windmills all up and down that corridor that would provide over one thousand megawatts of power, which would be very beneficial to our country, but that's electricity, not liquid fuel.

We know we can find more and more natural gas on our Federal lands if we want to do it. We know how to do natural gas-driven vehicles right now. We actually have natural gas stations in Utah and we have natural gas drivers, but they are the exception to the rule. We know how to build hydrogen cars that have absolutely zero emissions, but we only have 9 million tons of hydrogen in this country. You would have to have at least 150 million tons of hydrogen to make a dent, and the only feasible way to get that much hydrogen is probably through nuclear. We are about the only major nation in the world that isn't going ahead with nuclear as we should. We know it is one of the cleanest sources of energy in the world. I personally believe we will find methodologies and ways of neutralizing nuclear waste.

We can no longer afford to sit back and believe ethanol is going to solve all our problems, or wind power is going to solve all our problems, or solar power is going to solve all our problems, or that geothermal is going to solve all our problems. We have to distinguish between electricity and liquid fuels. Because of the work I have done to promote geothermal, I went out to Utah 2 weeks ago and helped dedicate the ground for the first geothermal power plant in over 20 years. This company, which is a very rare company, is going to build these all up and down Utah, where we have all kinds of geothermal prospects. It's wonderful, but it doesn't solve our liquid fuel problem. It will not get us to where we can continue to keep our economy alive in America.

A lot of this has stopped because of environmental extremism. We all want clean air and clean water, and I don't think any environmentalist should start chewing me up when I am the one who helped put these bills through that have spurred on alternative energy and hybrid technologies, and I will do everything in my power to continue spurring it on. But let us make no mistakes about it, we have to have oil over the next 20, 25 years and beyond that in order to keep America strong.

And to blame the big oil companies—we hear: Big oil companies—one of the Senators yesterday said: How could you do this to America? Now, let's get the facts. The big oil companies are only 6 percent of the world's deliverers

of oil. The vast majority of oil that is delivered is by government-owned entities. Not ours, but foreign government-owned entities. We have made it all but impossible to drill for oil within the continental United States, especially on Federal grounds. And again, it is environmental extremism that is stopping that.

I want people to have jobs. I also want to go full bore in all of these other alternative forms of energy that hopefully will alleviate some of this dependency we have, but we can alleviate a lot of our dependency by doing the oil shale work in Colorado, Wyoming, and in my home State of Utah. That needs to be done. It takes one acre to produce 5 barrels of ethanol. I'm a big fan of ethanol incentives, as I've said. However, Mr. President, do you realize how much oil can be achieved from 1 acre in oil shale in those tri-State areas? It is between 100,000 and 1 million barrels of oil. And we are just letting it sit there because we can't get the leases and my friends on the other side of the aisle are specifically blocking it.

Because of liberal, excessive environmental restraints, we can't get American oil to save America. We can't drill in American waters. China is. They are coming right over to our waters and drilling for oil that we can't drill for because of these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. It is about time we wake up. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way of describing it.

I am for all these environmental things too, but I want it to work. I don't want it to be a political exercise so one side can win over the other.

JUDICIAL NOMINEES

Mr. HATCH. Now, Madam President, I want to change the subject for a minute. I need to make a few remarks on the ongoing effort to conduct something that resembles a fair and productive judicial confirmation process, which is something that is bothering me here today as well. As you can see, I am not in a good mood.

It looks obvious that the commitment by leaders on the other side of the aisle to confirm three more appeals court nominees by the Memorial Day recess is not going to be met. Failure was not inevitable. There was a clear path to keep that commitment with nominees who had long ago been fully vetted, nominees who have been pending for up to 2 years, highly qualified nominees with the highest ratings from the American Bar Association and who have the support of their home State Senators.

My friends on the other side of the aisle knew how to keep their commitment, but instead they chose the path of greatest resistance, the path with the greatest chance of failure. And failure is exactly what is happening. These days, we often make comparisons between how President Bush's nominees are being treated today and how President Clinton's nominees were treated. Now here is one more comparison to consider.

In November 1999, Majority Leader Trent Lott promised to hold a vote by May 15, 2000 on two of President Clinton's most controversial judicial nominees, with my consent as the Judiciary Committee chairman, Richard Paez and Marsha Berzon to the Ninth Circuit, two very liberal nominees. These nominees were opposed by hundreds of grassroots groups. Their records caused a great deal of angst among many Senators on this side of the aisle. The majority leader did not make his commitment in vague, fuzzy terms. He named names, picked dates, and stated objectives. He made a commitment and he kept it, and they both sit on the Ninth Circuit Court of Appeals to this day.

They were both competent. Would I have nominated them? No. Would a Republican President have nominated them? No. But they were competent, they did have the approval of the ABA, and they deserved a vote up or down and they got it.

We took a cloture vote to ensure there would be no filibuster, and confirmed those controversial nominees on March 8, 2000, a week earlier than promised. It is a very different situation today.

I wish to address some other issues that highlight the current state of the judicial confirmation process. Talking about numbers, percentages, and comparisons makes some people's eyes glaze over, while others have trouble sorting out the dueling figures. If enough confusion exists, the American people might not fully appreciate what is going on. But as our former colleague from New York, the late Senator Daniel Patrick Moynihan once said—a friend of mine—''You are entitled to your own opinion but not to your own set of facts.''

I believe facts matter. I believe the truth matters. Some have claimed the Senate has confirmed 86 percent of President Bush's judicial nominees compared to only 75 percent of President Clinton's. This claim is either true or false. If you believe, as I do, that the truth matters, then it is important to know the answer. What is true? The most recent figures from the Congressional Research Service show the Senate has confirmed 85 percent of President Bush's appeals court nominees compared to 84 percent of President Clinton's nominees. That is about as nonpartisan and objective a source as you can find. It turns out the Senate confirmed, not 75 percent of President Clinton's judicial nominees but 84 percent. No matter how you slice, dice or spin it, this claim is not true.

Another claim often repeated on the Senate floor by Democrats is that when I chaired the Judiciary Committee, I blocked more than 60 of President Clinton's judicial nominees by denying them a hearing. Some claims, apparently, need not be true as long as they are useful. In this one, the judicial confirmation version of the urban myth seems useful indeed, based on the number of times it is repeated in various versions and permutations. This claim is no more true than the first one I mentioned. Some Clinton nominees were not confirmed. Some nominees of every President are not confirmed.

In 1992, George Herbert Walker Bush left office, the Senate was controlled by the same party as today, the Democratic Party, and returned more than 50 unconfirmed judicial nominees to President Bush. I don't recall that we stood and moaned and groaned like is going on today, at this time. We didn't. The fact is, that is what happens at the end of a Presidential term. The claim being made today, however, is all those unconfirmed Clinton nominees could have been confirmed but were not, solely because I, as chairman, refused to give them hearings.

This is one of those claims that some apparently hope no one will bother to unpack and sort out. But consider this. A dozen of those nominees were not confirmed because President Clinton withdrew them. He actually withdrew them. That was not my prerogative as chairman. That was his prerogative as President. It continues to baffle me how the Judiciary Committee chairman can be blamed because nominees who no longer exist were not confirmed. Many of those unconfirmed nominees did not have the support of their home State Senators. Judiciary Committee chairmen of both parties, before me and after me, including the current chairman, do not give hearings to nominees without the support of their home State Senators. That is a matter of fact.

We also hear the claim that in Presidential election years, the judicial confirmation process is, to quote the current Judiciary Committee chairman, ''far less productive.''

Once again, this claim is not true. The average number of appeals court nominees given hearings and the number of judicial nominees confirmed goes up, not down, in Presidential election years.

Finally, we hear the astounding claim that Republicans are supposedly obstructing the nomination of Judge Helene White to the Sixth Circuit because we have asked her questions about her record, her qualifications, and her judicial philosophy. Judge White was nominated less than 2 months ago, and the Judiciary Committee was given just 22 days from her nomination until her hearing—a period far shorter, even, than noncontroversial nominees over the years.

We had 70 days before Seventh Circuit Court nominee John Tinder's hearing, for example, and 120 days before Second Circuit nominee Debra Livingston received a hearing. We had only 22

days this time and the chairman close to waive his own rule and hold a hearing without an evaluation from the American Bar Association, something we still do not have today for Judge White.

That is a party that insisted we always have the ABA evaluation in—for Republican nominees.

So written questions following the hearing were entirely in order. The number of questions asked of Judge White pales in comparison to the number of questions my friends on the other side have asked of President Bush's judicial nominees who had been pending far longer and for whom we had received an ABA—American Bar Association—evaluation.

We had 112 days before Fifth Circuit nominee Jennifer Elrod's hearing, for example, more than five times longer than we had with Judge White. Yet my Democratic friends gave Judge Elrod 108 questions, far more than Judge White has received. After all that, the Senate confirmed Judge Elrod by voice vote.

I might add, to mention a nonjudicial nominee, Grace Becker, who was nominated 189 days ago to head the Civil Rights Division. She has received 250 questions from my Democratic friends. I hear they are not done yet. It is as though no Republican should have the job of heading the Civil Rights Division. Grace is a former counsel on the Judiciary Committee and is well known to all of us as a woman of intellect, character, and compassion. She is a Eurasian woman with whom I think nobody can find one iota of fault.

A few days ago, the current Judiciary Committee chairman said the judicial confirmation process reminded him of the fairytale, ''Goldilocks and the Three Bears.'' Sometimes it reminds me, instead, of the episode of the sitcom ''Seinfeld'' about ''Bizarro World.'' That is the world where everything up is down, left is right, and everything is not as it seems. In the ''Bizarro World'' of today's judicial confirmation process, a plan almost certain to fail is called a commitment; 84 is called 75; a senatorial courtesy see is called a pocket filibuster; being more productive is being called being less productive; and due diligence is being called obstruction. I believe the facts and the truth matter, even in the judicial confirmation process, in spite of some of this rhetoric.

WARTIME SUPPLEMENTAL APPROPRIATIONS BILL

Mr. HATCH. Madam President, In February I addressed the Senate about our progress in Iraq. I categorized the results of General Petraeus' comprehensive counterinsurgency strategy as being remarkable.

When General Petraeus first began to implement his strategy 16 months ago, I was optimistic. However, I must admit that I did not expect to see the level of success that has been accomplished in such a short period of time.

What are those accomplishments?

Al-Qaida has largely been removed from its sanctuaries in Ramadi, Fallujah, Baghdad and much of the Diyala province. I went there when all those were seemingly under Al-Qaida control. I also went back and walked the streets of Ramadi after the surge. That was the second trip.

Make no mistake, these are major victories.

However, what has largely gone unnoticed by the media, is that even in the less than 2 months since General Petraeus and Ambassador Crocker came before Congress, these successes have continued and expanded.

Which leads me to ask the obvious question? Why, with all of these accomplishments that were attained through the blood, sweat and tears of our service members and their families, do the members on the other side of the aisle insist upon throwing it all away by setting arbitrary deadlines for the removal of the bulk of our forces from Iraq?

The only logical answer is that instead of attempting to devise a cohesive strategy that achieves victory, the Democrats are more interested in pandering to the appeasement wing of their party in a misguided attempt to curry political favor.

This is a strategy for defeat and national shame.

I repudiate such an approach. My colleague, Senator MCCAIN repudiates such an approach. And I believe the American people will repudiate this approach once they have all of the facts that somehow continue to escape widespread coverage by our media. Why don't they tell the truth? Why don't they tell about the successes?

But before I discuss the most recent accomplishments of U.S. and Iraqi forces, I believe it is important for the American people to understand one of the elements behind our recent success.

General Petraeus' strategy is based upon the classic counterinsurgency tactic of providing security to the local population, thereby enabling the government to restore services to its people. This, in turn, creates in the population a vested interest in the success of government institutions.

One of the ways this is accomplished is through the use of Joint Security Stations. Under this tactic, a portion of a city, such as a neighborhood, is cordoned off then searched for insurgents. Previously, once this was accomplished, our forces would return to large forward-operating bases, usually on the periphery of that city. The result was easy to predict, the insurgents would return once the sweep had concluded.

Under General Petraeus' strategy, our forces remain in the neighborhood and build Joint Security Stations, which then become home to a company-sized unit of American service members, as well as Iraqi army and police units. They live together. These facilities not only help secure the surrounding area, but simultaneously enable our forces to train and evaluate Iraqi forces. Much like the police officer walking a beat in a major city, our forces use the Joint Security Station to learn about the locale where they are assigned and can quickly adapt to meet the unique security needs of the individual community. This, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the people in the area a desire for the security and civil services to continue; which, in turn, strengthens the population's support for an effective government to maintain these improvements. The success of these Joint Security Stations can be seen in their creation throughout Iraq, with more than 50 of them in Baghdad alone.

But, as I previously stated, since General Petraeus' testimony in February, the Coalition has only added to the accomplishments of al Anbar, Baghdad, and Diyala.

At the time of General Petraeus' testimony, many lauded these successes. But many also pointed to three major challenges that continued to face the Coalition.

The first major challenge was in this northern city of Mosul. Despite the fact that al-Qaida has largely been thrown out of its former sanctuaries in central Iraq, the terrorists have retreated to and are regrouping their forces in this northern city. It should also be noted that al-Qaida has used Mosul as a key logistics, transportation and financial center. In fact, Reuters has quoted U.S. military officials as saying that Mosul is al-Qaida's last major urban stronghold in Iraq.

Second, the Iraqi government did not have control of the vital southern city of Basra, which was dominated by a number of Shiite factions. As my colleagues well know, Basra is home to Iraq's only seaport and the area surrounding the city is the location of much of the nation's oil wealth.

Third, the Iraqi Government did not have control of a neighborhood in eastern Baghdad known as Sadr City, a predominately Shiite district that is a center of support for Moktada al-Sadr.

However, since General Petraeus' testimony there have been remarkable changes in Mosul, Basra, and Sadr City.

First, I must say that I am increasingly confident about the Coalition's chances for making positive advances in Mosul.

Remember, shortly after the fall of Saddam Hussein's government, General Petraeus, then a major general in command of the 101st Airborne Division, was responsible for restoring order in Mosul. It was here that General Petraeus was first able to implement and refine his theories on counterinsurgency warfare and was largely successful in securing the city.

Unfortunately, with the 101st's departure and the sharp reduction in the number of Coalition forces in Mosul—to as few as one American battalion—the city and surrounding area became a haven for al-Qaida.

However, in mid-2007 the Coalition forces began to achieve some success. This occurred in no small part because of the increased effectiveness of the 2nd and 3rd Iraqi divisions that were assigned to the city and surrounding areas. According to the Institute for the Study of War, in May and June positive results quickly became apparent with the capture or killing of 13 al-Qaida leaders, including 6 emirs and 4 terrorist cell leaders. Yet, as al-Qaida members were being pushed out of Baghdad and al Anbar Province, the number of terrorists in Mosul was increasing.

However, our forces, led by the 3rd Armored Cavalry Regiment, which replaced the 4th Brigade of the 1st Cavalry Division in December, and the Iraqi security forces have kept the pressure on. In mid-December, al-Qaida's security emir for northern Iraq was captured along with al-Qaida's security emir for Mosul. This was followed by the capture of al-Qaida's deputy emir for all of Mosul.

Our successes also have been strengthened with the reinforcement of our forces by additional U.S. and Iraqi forces. This has enabled Coalition and Iraqi forces to implement the counterinsurgency strategy of utilizing Joint Security Stations in the eastern and western portions of Mosul, much like those that were so successful in Baghdad.

The Iraqi Army units in Ninawa Province, of which Mosul is a major city, also have a new commander, LTG Riyadh Jalal Tawfiq. This is an important development since Lieutenant General Tawfiq played a vital role in securing Baghdad.

Despite these promising developments, much remains to be accomplished. On May 10, the Coalition launched Operation Mother of Two Springs. Though it is too early to tell if this operation will have the same successes that our forces are experiencing in Baghdad, MG Mark Hertling, the commander of Multi-National Forces—North stated yesterday that daily attacks are down 85 percent since the operation began. The General also noted that the Coalition has detained more than 1,200 individuals many of whom are self-proclaimed al-Qaida members who describe themselves as ''battalion commanders . . . suicide bomb makers, foreign fighter facilitators, financiers and emirs.'' Moreover, a number of arms caches have been discovered. However, the desperation of al-Qaida appears to have increased due to Saturday's attack by two female suicide bombers.

Mr. President, the battle for Mosul is being fought right now. The final outcome has yet to be decided. However, initial indications point to a successful conclusion because of the implementation of a proven counterinsurgency strategy, improvements in the Iraqi security forces and the bravery and dedication of our fighting men and women.

The second major area of consternation was Basra. Until recently, Shiite groups such as the Mahdi militia—which is associated with Moktada al-Sadr—ruled the streets.

In order to counter this lawlessness, Prime Minister al-Maliki launched Operation Charge of the Knights. This was a bold initiative. First, Prime Minister al-Maliki showed that he is a leader who is willing to make difficult political decisions to secure a better future for his people by traveling to Basra and taking personal charge of this operation. Second, this was a large-scale operation led and planned by Iraqi security forces to restore central government control in Basra.

At first, poor planning seemed to have doomed this operation. Even General Petraeus initially stated, ''The fact is that the Iraqi operations in Basra were not properly planned . . . in the wake of recent operations, there were units and leaders found wanting in some cases . . .''

However, it appears that we all judged this operation too quickly. According to a recent article in the New York Times, ''the oil-saturated city of Basra has been transformed by its own [Iraqi security forces] surge.'' Iraqi forces ''have largely quieted the city, to the initial surprise and growing delight of many inhabitants who only a month ago shuddered under deadly clashes between Iraqi troops and Shiite militias . . . government forces have taken over Islamic militant's headquarters and halted the death squads and vice enforcers.''

It should also be noted that according to the highly respected Jane's Defence Weekly ''in areas occupied by Iraqi army forces, the government has begun a wide ranging set of operations to solidify its long-term presence.''

In fact, due in large part to the success of Operation Charge of the Knights, Jane's Defence Weekly made the following observation: ''Operation Charge of the Knights provides further evidence that the Iraqi army can fight effectively and lead operations when supported by coalition enablers such as air support, logistics, and intelligence. The Basra security operation follows other successful Iraqi army performances in the south, notably the January 2007 defeat of the Jund al-Samaa sect in pitched battles outside Karbala and the January 2008 simultaneous takedown of a dozen cultist cells from the same organization spread across Basra and Nasiriyah.''

Finally, examples of the major strides the Iraqi forces are making can be seen in the operations that were launched this week in Sadr City. Yesterday, the New York Times reported that six battalions of, ''Iraqi troops pushed deep into Sadr City. . . as the Iraqi government sought to establish control over the densely populated Shiite enclave in the Iraqi capital. The long awaited military operation, which took place without the involvement of American ground forces, was the first determined effort by the government of Prime Minister al-Maliki to assert control over the sprawling Baghdad neighborhood, which has been a bastion of support for Moktada al-Sadr. The operation comes in the wake of the government's offensive in Basra, which for the time being seems to have pacified the southern Iraqi city and restored government control.''

The New York Times goes on to report about the Sadr City operation, ''the Iraqi forces quickly assumed positions at a main thoroughfare and near major hospitals and police stations. Two companies ventured even further north to secure the Iman Ali Hospital. . . No American ground forces accompanied the Iraqi troops, not even military advisers. But the Americans shared intelligence, coached the Iraqis during the planning and provided overhead reconnaissance throughout the operation. Still, the operation was very much an Iraqi plan.''

Madam President, I believe that Ambassador Crocker summed up the situation best when he stated in his testimony: ''Al-Qaida is in retreat in Iraq, but it is not yet defeated. Al-Qaida's leaders are looking for every opportunity they can to hang on. Osama bin Ladin has called Iraq 'the perfect base,' and it reminds us that a fundamental aim of al-Qaida is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance. . .''

The choice is clear. The men and women of our armed forces have made real and sustained progress over the past 16 months. The list of their accomplishments and the accomplishments of the Iraqi security forces grows longer every day.

The balance is changing. Now, more then ever, is the time to stand behind our forces to ensure they achieve the victory of which they so deserve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. MCCONNELL. Mr. President, in the final year of President Clinton's final Congress, two of his circuit court nominees, Richard Paez and Marsha Berzon, were pending in the Judiciary Committee. Frankly, they were quite controversial. For example, Judge Paez had openly defended judicial activism. He said if the Democratic branch has

failed to act on a political matter, it was incumbent on judges to do so, even if the matter properly belonged to the legislature.

Not surprisingly, conservative groups and many Republican Senators opposed the Paez and Berzon nominations. The Chamber of Commerce, a business association, not an ideological group, was so troubled by the prospect of Judge Paez's confirmation that it broke its policy of staying out of nomination disputes and opposed his nomination.

I ask unanimous consent to have printed in the RECORD the release by the Chamber of Commerce opposing Judge Paez.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. CHAMBER ANNOUNCES OPPOSITION TO PAEZ JUDICIAL NOMINATION

WASHINGTON, D.C.—The United States Chamber of Commerce today announced its opposition to the elevation of district court judge Richard Paez to the 9th Circuit Court of Appeals. The 9th Circuit Court reviews federal court decisions in California, Arizona, Washington, Oregon, Idaho, Nevada and Montana.

In taking the unusual step of opposing a judicial nominee, Chamber senior vice president Lonnie Taylor said, ''Judge Paez' lower court rulings demonstrate an alarming degree of judicial activism that must not be rewarded.''

Taylor specifically cited Paez' ruling in John Doe I v. Unocal, saying the decision ''represents an unconstitutional judicial intrusion into foreign policy with dangerous implications for the U.S. economy and world markets.''

In the Unocal case—which concerns the construction of an offshore drilling station and natural gas pipeline—Judge Paez held that U.S. companies doing business overseas were liable for the actions of foreign governments. The ruling opened the door to environmental activists and others to use similar class action lawsuits as an avenue of attack on disfavored business projects, Taylor charged.

''Judge Paez' ruling, if upheld, could cripple international commerce and establish a far-reaching precedent of holding U.S. companies hostage to the actions of foreign governments,'' said Taylor.

Improving the ability of American businesses to compete in the global marketplace is a top priority of the Chamber. As part of the Chamber's efforts to advance free trade, it will oppose any attempts to undermine international competitiveness. The U.S. Chamber notified Senators of its opposition to Judge Paez in a letter yesterday.

The U.S. Chamber of Commerce is the world's largest business federation representing more than three million businesses and organizations of every size, sector and region.

Mr. MCCONNELL. The California Senators, to their credit, were tireless advocates for Judge Paez and Judge Berzon. Their nominations became the California Senators' cause, and their ultimate confirmations were due to our colleagues' tireless advocacy.

Their confirmations, though, were also due to then-Majority leader Trent Lott ensuring that his commitment regarding the Paez and Berzon nominations was, in fact, kept. On November 10, 1999, Majority Leader Lott placed a colloquy between himself and then-Democratic Leader Daschle in the CONGRESSIONAL RECORD. In it, Senator Lott committed to proceed to Paez and Berzon by March 15 of the following year, which of course was a Presidential election year, as this year is.

Majority Leader Lott also stated he did not believe that filibusters of judicial nominations are appropriate, and that if they were to occur, he would file cloture on their nominations and he would himself support cloture if necessary.

He noted then-Judiciary Chairman HATCH was consulted on that commitment. Given that many in our conference and over 300 groups opposed those nominations, it would have been easier in many respects for Senator Lott not to fulfill his commitment. He could have taken a hands-off approach, shrugged his shoulders, put the onus on Chairman HATCH to make good on the majority leader's commitment. After all, Senator Lott was not the Judiciary Committee Chairman, Senator HATCH was. He could simply have said he did not control what happened in the Judiciary Committee, Chairman Hatch did. But Senator Lott understood that commitments in this body are not to be taken lightly, especially when they are made by the majority leader himself.

So true to his word, Majority Leader Lott worked to ensure that his commitment was kept. The Paez and Berzon nominations were reported out of the committee. The majority leader, Senator Lott, filed cloture on both. On March 8, 2000, a week ahead of schedule, he and I and Chairman HATCH and a supermajority of the Republican conference voted to give Judges Paez and Berzon an up-or-down vote.

Most of those Republicans, myself included, then voted against them because of concerns about their records. But Judges Paez and Berzon were then, of course, confirmed and have been sitting on the Ninth Circuit for 8 years because Senator Lott honored his commitment.

Unfortunately, a similar commitment made to my conference was not honored today. Last month, my good friend from Nevada, the majority leader, acknowledged that the Democratic majority needed ''to make more progress on'' circuit court nominations.

To that end, he committed to do his ''utmost;'' ''to do everything'' possible; to do ''everything within [his] power to get three [more] judges approved to our circuit [courts] before the Memorial Day recess.''

''Who knows,'' he even suggested, ''we may even get lucky and get more than that [because] we have a number of people from whom to choose.''

True, the majority leader gave himself an out. He could not ''guarantee'' his commitment because ''a lot of things can happen in the Senate.'' But when the Senate majority leader commits to do everything in his power to honor a commitment, that should mean choosing a path that likely will yield a result.

Well, today we learned we are not going to get three more circuit court confirmations by the Memorial Day recess, let alone the four or more the majority leader thought might be possible. No, we are going to get one. Only one.

Given my friend's clear commitment and the numerous nominees the Democratic majority had to choose from, the question my Republican colleagues and I are asking is this: Did the majority do its ''utmost''? Did it do ''everything'' possible? Did it do ''everything within [its] power''?

In fact, we are asking did it do anything at all to realistically ensure the commitment would be kept?

When my friend made his commitment, he noted that we had circuit court nominees from all over the country in the Judiciary Committee who could be processed. He listed the States they were from. Most have been pending for a long time, and the Judiciary Committee has had ample time to study their records. Indeed, some have already had hearings; others have already been favorably reported by the committee to other important positions. These nominees were, in effect, on the two-yard line, and could easily have been picked and confirmed.

People like Peter Keisler; he has been pending for almost 700 days. He has had a hearing. He has been rated unanimously well-qualified by the American Bar Association. He has earned accolades from Republicans and Democrats alike, including an endorsement from the Washington Post. His paperwork is complete, and he is ready to go.

Or people like Chief Judge Robert Conrad; he has been pending for over 300 days. The Senate has already confirmed him, on two separate occasions, to important Federal legal positions, first as the chief Federal law enforcement officer in North Carolina and then to a life-time position on the Federal trial bench. He, too, has received the ABA's highest rating, and has earned praise from Republicans and Democrats alike. He has the strong support of both home-State senators and is ready for a vote.

During our colloquy, my friend did not reference the nomination of Michigan State Judge Helene White as an option. That is because her nomination to the Sixth Circuit did not yet exist. It wasn't here. It arrived here later that day, at which point there were only 5½ weeks until the Memorial Day recess. Or, put another way, her nomination arrived 700 days after Mr. Keisler's, 300 days after Judge Conrad's.

Thirty-five days is not much time to process a nominee who, by her own admission, has participated in 4,500 cases, half of which are completely new since her last nomination. Indeed, the average time for confirming a judicial nominee in this administration is 162 days. The majority decided to try to

run Judge White through the process in just 35 days. It scheduled a hearing for her that was only 22 days after her nomination. I respect the abilities of members on the Judiciary Committee, but even they cannot review 4,500 cases in 22 days.

In addition, when the majority scheduled her hearing, the ink was barely dry on the FBI's background investigation, which had come up only the day before, and the committee had yet to receive her ABA report. In fact, today as I speak, it still is not here.

This matters because Chairman LEAHY has made it abundantly clear that the receipt of the ABA report is a precondition for him to allow a vote on a judicial nominee, saying: ''Here is the bottom line. . . . There will be an ABA background check before there is a vote.'' He reiterated that his rule will be observed with respect to the White nomination.

So to honor the majority leader's commitment, did our Democratic colleagues choose someone whom the committee had ample time to vet, whose paperwork has been done for a long time, and who, in the case of Judge Conrad, the Senate had already confirmed—twice? No, they decided to rush through Judge White, someone whom several members of the committee are completely unfamiliar with, and whose record for most of the last decade the entire committee is completely unfamiliar with, including thousands of her cases.

In essence, the majority decided to throw a confirmation ''hail Mary'' to satisfy its own Democratic membership, instead of taking a bi-partisan path that had every indication of success and would have fulfilled the commitment, like finally processing Mr. Keisler or Judge Conrad.

If the majority were serious about keeping its commitment all this should have been avoided. My friend from Nevada has said he consulted fully with Chairman LEAHY before making his commitment. Chairman LEAHY has been the lead Democrat on the Judiciary Committee for over a decade. He, perhaps more than anyone, is aware of the logistical requirements for processing nominees.

We assume he would have advised the majority leader of the near-certain impossibility of confirming Judge White in time to keep the commitment. Even if he didn't, the ranking member and I did just that almost a month ago, when we wrote to him and the Chairman, expressing our serious concerns about this very situation arising.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 29, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Capitol Building, Washington, DC

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC

DEAR SENATORS REID AND LEAHY: We write to express our serious concern regarding statements made by Chairman Leahy during last week's Judiciary Committee Executive Business Meeting. In discussing Senator Reid's April 15, 2008, commitment to confirm three more circuit court nominations before the Memorial Day recess, Senator Specter asked Chairman Leahy to clarify whether he was saying he would not honor the commitment if the scheduling was not ''convenient for the two Michigan nominees.'' In response, Chairman Leahy stated, ''I will do everything possible to get it [done] by Memorial Day, but if the White House slow walks [the Michigan nominees' paperwork], we probably won't.''

We all know there are several time-consuming steps in the judicial confirmation process, including a Federal Bureau of Investigation background investigation, the issuance of a rating by the American Bar Association (ABA), a hearing, questions for the nominee following the hearing, a Committee vote, and finally a floor vote. Given these standard prerequisites and Judge Helene White's recent nomination date of April 15, 2008, we do not believe regular order and process will allow for her confirmation prior to May 23, 2008. In addition, the FBI is currently conducting a supplemental investigation for Mr. Raymond Kethledge, which must be completed prior to his hearing. Chairman Leahy's statements insinuate that, if the Committee cannot process Judge White and Mr. Kethledge prior to the recess, then the straightforward commitment made by the Majority Leader and, by reference, Chairman Leahy will not be honored.

We would hope, given the likelihood that Judge White and Mr. Kethledge cannot be confirmed prior to the recess, that, in order to fulfill the commitment, Chairman Leahy would turn to other outstanding circuit court nominees pending in Committee who have been ready for hearings and waiting far longer than Judge White or Mr. Kethledge. As we have mentioned previously, Mr. Peter Keisler has already had a hearing and has been waiting for over 660 days for a simple Committee vote, and Judge Robert Conrad and Mr. Steve Matthews, nominees to the Fourth Circuit, are ready for hearings and have been waiting for many months. Both Judge Conrad and Mr. Matthews have enjoyed strong home-state support from their Senate delegations, one of whom is a valued member of the Committee. All three of these nominees deserve prompt consideration by the Committee and up-or-down votes by the full Senate.

It is simply a matter of fairness to include in the commitment, nominees who clearly can be processed and who have been ready for hearings and pending the longest. Further, we object to the selective importance that the Judiciary Committee is placing on home-state senatorial support. The Committee appears to view the support of Republican senators as a necessary, but insufficient, condition for their constituent nominees; while at the same time deeming dispositive the views of Democratic senators, either for or against a nominee. As the Majority Leader himself noted, such disparate treatment is patently unfair.

The clock is ticking. It has now been two full weeks since your commitment to do 'everything' you could to confirm three more circuit court nominees by the Memorial Day recess. Yet since that commitment, the Committee has only scheduled one hearing for one circuit court nominee. More troubling still is the fact that the Chairman strongly intimated last week that the Committee may refuse to honor the commitment, not because it is impossible for it to do so, but because the Chairman's preferred queue of nominees will not be ready in time due to the standard requirements of the FBI and the actions of a third party (the ABA), upon which the Democratic Majority has placed particular importance over the years.

If the Committee does not hold a hearing for two more circuit court nominees prior to May 6, 2008, it is exceedingly unlikely that the Senate will be able to confirm at least three circuit court nominees prior to May 23, 2008, given the standard amount of time it takes to move a nomination through the steps in the confirmation process. In order to honor the commitment, we respectfully urge the Committee to schedule hearings for Judge Conrad and Mr. Matthews, and hold a Committee vote for Mr. Keisler as soon as possible.

We look forward to your response.

Sincerely,

MITCH MCCONNELL.
ARLEN SPECTER.

Mr. MCCONNELL. The reasons for our concern a month ago have proven to be correct. Anyone could have seen this problem coming—anyone, except evidently, our Democratic colleagues who must have chosen not to.

Which brings me back to the question I and my Republican colleagues are asking: Is it consistent with a commitment to do ''everything within your power'' to confirm three more circuit nominees by Memorial Day, to then choose the one nominee who, for logistical reasons alone, is the least likely to be confirmed in time to keep the commitment? Mr. President, chasing the impossible, and then blaming others or expressing surprise when it eludes your grasp is not a good excuse, and will be remembered for a long, long time.

So today is a sad and sobering day for me and my colleagues. There are now well-founded questions on our side about the majority's stated desire to treat nominees fairly and to improve the confirmation process. And there is frustration that will manifest itself in the coming days, and will persist until we get credible evidence that the majority will respect minority rights and treat judicial nominees fairly.

MEMORIAL DAY 2008

Mr. MCCONNELL. Mr. President, in observance of Memorial Day this year, I had the distinct honor of meeting a group of World War II veterans from Kentucky who had traveled to our Nation's Capital to see the World War II Memorial. A couple of the veterans, by the way, told me this was their first trip to Washington.

This memorial, completed in 2004, is a fitting tribute to the millions of Americans—some who returned home, some who did not—who put on their country's uniform to fight the greatest and most destructive war the world

had ever seen. The awe the memorial inspires reminds us all why this group of patriots is called the ''greatest generation.''

The 35 Kentucky World War II veterans I met were able to travel to Washington thanks to the nonprofit organization Honor Flight, which transports World War II veterans from anywhere in the country to see their memorial, free of charge. Many veterans, for physical or financial reasons, are unable to make the trip on their own, and so without Honor Flight they would not get the chance to visit the memorial created for them and their fellow fighters at all.

About 36,500 World War II veterans live in Kentucky today, with about 2.5 million throughout the country. Unfortunately, that number shrinks each day as time advances for these brave warriors. Honor Flight and its volunteers, many of whom are veterans themselves, are doing a great service for our Nation by making it possible for these veterans to make this important trip.

So this Memorial Day, I hope everyone says thank you to a man or woman who wore the uniform. We should remember the bravery of those who made the ultimate sacrifice for our country. And while most of us will never know the heroism shown by the World War II veterans I was privileged to meet, we can marvel at the courage shown every day by our current generation of heroes serving in Iraq and Afghanistan.

I mentioned to the veterans from Kentucky yesterday my own father who served in Europe during World War II, who arrived after the Battle of the Bulge and was in the conflict from about March of 1945 forward, until he met with the Russians at Pilsen, which I believe is now in the Czech Republic. I mentioned to them that I have a letter he wrote to my mother. There were a number of letters, but this particular one is etched in my memory because it is dated May 8, 1945.

Underneath the date he wrote ''V-E Day,'' so they were calling it Victory in Europe Day even then. He had seen some very severe fighting and lost a great many of his company, and one could sense the elation in his voice that the conflict was now ended.

But then there was a subsequent letter I thought was quite prophetic, particularly for a regular foot soldier who was not an officer. He had a chance to interact with some of the Russians because they met the Russians in Pilsen. He said to my mother: I think the Russians are going to be a big problem down the way.

So it was interesting that there was this sense, even to the foot soldiers, that our alliance with the Soviet Union was a short-term marriage of convenience and might subsequently be a big problem down the road. Of course, his prophecy was proven accurate.

While in Pilsen, he got a chance to befriend some Czechs, and I have some letters that were exchanged with friends from what was then Czechoslovakia. He told me that all of those letters stopped a couple years later when the Iron Curtain descended across Europe and he was unable to communicate further with any of the Czech friends he made. I share that story of my own father on Memorial Day for my colleagues.

In closing, I would mention that the particular flight from Kentucky yesterday was dedicated to the memory of John Polivka, who had planned to be on the trip. He was a World War II veteran who planned to be on the trip but who passed away on Monday, May 19, just this week. So the veterans dedicated their Honor Flight to Washington to their colleague whom they had hoped would be able to join them. Even though there was great sadness over his loss, there was great joy in being able to witness the World War II Memorial which symbolizes their extraordinary contribution to our country.

I ask unanimous consent that names of the World War II veterans who were here this week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD WAR II VETERANS

Homer Brown, Jr.; Joseph Raley; James Thomas; George Coffey; Charles Hanson; Donovan Chard; Bernie Carr; William Pickerill; Robert Barrow; Robert Davis; Gainey ''Ed'' Sipes; Emmett Leezer; Charles Mauer; Leroy Faber; Russell Harrison; Morell Milroy; Blue Lynch; George Wolford; Norman Inman; Frank Godbey; John Toy; Burnett Napier; Bobby Barker; Oscar La Fontaine; Joel O'Brien, Jr.; Louis Tracy; Garnett Clark; Joseph McFadden; Earl Wieting; Woodrow Bryant; Raymond Roggenkamp; Robert Weixler, Sr.; Richard Lewis; Thomas Shields; and Joseph Pottinger.

DIRECTORS OF THE HONOR FLIGHT

Brian Duffy, Jean Duffy, William Garwood, James T. MacDonald, and Robert Hendrickson.

This Honor Flight was dedicated to the memory of John Polivka, who passed away on Monday, May 19th.

Mr. MCCONNELL. I conclude by saying they were indeed the best of the ''greatest generation.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATIONS

Mr. WHITEHOUSE. Mr. President, as a member of the Judiciary Committee, let me indicate that we are not entirely unfamiliar on the Judiciary Committee with Judge White. She was actually an appointee of President Clinton. For many months, she languished before the committee when it was under Republican control. So she should be a judge with whom at least a considerable number of the members of the Judiciary Committee would have been familiar from her previous appointment. Any suggestion that she was a new arrival or a novelty of some kind to the committee would not be accurate.

Mr. President, I ask unanimous consent to have printed in the RECORD an April 30, 2008, letter to the Republican leader and the ranking member of the Judiciary Committee signed by the majority leader, indicating, among other things, the following:

In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that ''I cannot guarantee'' this outcome because it depends upon factors beyond my control. Nonetheless, I remain optimistic we can meet that goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, April 30, 2008.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.

Hon. ARLENE SPECTER,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

DEAR SENATORS MCCONNELL AND SPECTER: Thank you for your letter yesterday regarding judicial nominations.

In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that ''I cannot guarantee'' this outcome because it depends upon factors beyond my control. Nonetheless, I remain optimistic we can meet that goal.

A hearing for Fourth Circuit nominee Steven Agee, as well as district court nominees recommended by Senators Lugar and Kyl, will take place tomorrow afternoon. A hearing for Sixth Circuit nominees Raymond Kethledge and Helene White, as well as a Michigan district court nominee, will take place next Wednesday. Senator Leahy has expedited consideration of the Michigan nominees in light of my April 15 remarks.

Nothing in my pledge regarding judicial nominations deprived Chairman Leahy of his prerogative to determine the sequence of nomination hearings in his committee. No one presumed to instruct Senator Specter about the sequence of nominations during the years he served as Chairman of the Judiciary Committee. And certainly Senator Hatch exercised the chairman's prerogatives freely during the years in which more than sixty of President Clinton's nominees were denied hearings or floor consideration.

The Democratic majority has treated President Bush's judicial nominations with far greater deference than President Clinton was afforded by a Republican-controlled Senate. Three-quarters of President Bush's court of appeals nominees have been confirmed; in contrast, only half of President Clinton's appellate nominations were confirmed. Altogether, 145 of President Bush's judicial nominees, 90 percent of them, have been confirmed in the years that Democrats have controlled the Senate. Last year the Senate confirmed 40 judges, more than during any of the three previous years with Republicans in charge. The federal judicial vacancy rate is the lowest it has been in years.

Chairman Leahy and I will continue to work with you both to process judicial nominations in due course, consistent with the Senate's constitutional role.

Sincerely,

HARRY REID.

Mr. WHITEHOUSE. Mr. President, thank you. I appreciate that.

COLONEL EDWARD CYR

Mr. WHITEHOUSE. Mr. President, one of the great privileges that I have as a Member of this body is to travel around my home State of Rhode Island and hear directly from the people I was elected to serve. We are a small State, and we all know one another pretty well. So it is a pleasure to get out and listen to people, to hear what is on their minds, their good news and their bad news, and the challenges and the opportunities they and their families face each and every day.

One of the things we do is to regularly hold community dinners around the State. My wife Sandra and I get together with folks over pasta and meatballs or hamburgers and hot dogs and we talk about the issues that are interesting to them.

Mr. President, having the opportunity to hear people of my State share their stories this way has made such a difference in my work here in Washington. I say to the Presiding Officer, I know that as you represent the people in Florida, you feel very much the same way and I've heard you both in committee and on this floor give speeches and remarks that have focused on individual constituents of yours who had troubles and problems that they needed to attend to and you needed to attend to. So I know that you feel very much the same way.

You know, we stand in this Chamber and we debate back and forth on the war in Iraq or the price of a gallon of gas or the crisis in the housing industry. But when we go back home, we see people who are living in the middle of these issues every day. In Rhode Island right now, there are parents worrying about their sons and daughters serving overseas in Iraq. There are families watching the numbers on the gas pump roll, roll, roll, flying higher and higher, and they are wondering how they are going to make ends meet. And there are working people who see their mortgage payments climb out of reach, and they face the gnawing, terrible fear that they might lose the home their children grew up in. So, as glorious as is this grand Chamber we have the opportunity to serve in, the reason we are really here is that it is all about them.

And last Sunday evening, we had one of those moments. We hosted a community dinner in Bristol, RI, which is a beautiful, historic town on Rhode Island's East Bay. Bristol is known for many wonderful things, but one is the oldest—and I think the best—Fourth of July parade in the United States of America. So it was great to be in Bristol, and it was a beautiful evening. The day had been rainy, and toward the end of the day, the clouds had begun to open up and the evening Sun was shining through on the clouds above. The earth and the trees were still wet around, but they were lit up by the lit sky, and we were in this handsome stone VFW hall that is just a little bit back from Bristol Harbor. It was beautiful not only outside but inside because we had a wonderful group of people. And as the questions and answers were winding down toward the end of the evening, a man stood up and he took the microphone, and he began to speak.

The man was COL Edward Cyr. Colonel Cyr is a 29-year veteran of the Army Reserves, 399th Combat Support Hospital. He has served two tours in Iraq, first in 2003 and then again from June 2006 to October 2007, and was also deployed to Kosovo in 2001. When he is not serving our country in the Army Reserves, Colonel Cyr is a nurse anesthetist at Saint Anne's Hospital in Massachusetts. He is a loving husband to his wife Patricia, and he is the father to five daughters.

Colonel Cyr wanted to tell me about a provision in the 2008 Defense authorization bill which grants early retirement eligibility to reservists and National Guard members who have served on Active Duty since September 11, to allow these individuals to gain 3 months of retirement eligibility for every 90 days of Active service.

He was concerned that the effective date of the legislation was set for the date of its passage, and that it did not reach back to September 11 to pick up all the veterans who had served since that date. I agreed to help him with that legislation, to make the date of the early retirement provision retroactive to September 11, 2001, so that it would reach every veteran in this conflict who served our country and carried the burden of a disastrous war policy with such great honor and dignity.

And often people come with a specific request like that, but that was not what was significant about this. What was significant about this was that Colonel Cyr took the chance to tell his story.

He spoke of the strains of his multiple deployments which have weighed so heavily upon him and his family. He spoke of the blood of the wounded soldiers he worked on, on his hands, on his clothes, in his very pores. He spoke of their service and their loss and his pride in the men and women who served beside him. When he was done, the big room was quiet.

I asked him—I was a little embarrassed to ask because I did not want to ask a personal question that might not be welcome, but I asked him anyway: I said, Colonel, if I may ask a personal question, what was your family situation through all of this? He paused a minute, and he said: Well, Senator, I am glad you asked that question because my wife is sitting right beside me. And he proudly pointed her out, and he said this: For all those months, over three tours, she had to go it alone, raising my five daughters, and I want to take this chance to thank her because if it weren't for her, I wouldn't have had a home to come home to.

Mr. President, you could have heard a pin drop. There was not a dry eye in the House, including my own. And the room then burst into applause.

Mr. President, this was just one of those moments—just one of those moments. I do not think I can explain it, and frankly, I do not even want to try because if I tried to explain it, I would just make it smaller. So all I want to say, as we all leave this glorious Chamber to go home to our States to celebrate this Memorial Day weekend, for all the Edward Cyrs and for all the Patricia Cyrs across this country, thank you and God bless you.

Mr. President, I believe there is no quorum present.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6081, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the bill be read three time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6081) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, on Memorial Day in 1884, Justice Oliver Wendell Holmes said:

It is now the moment when by common consent we pause to become conscious of our national life and to rejoice in it, to recall what our country has done for each of us, and to ask ourselves what we can do for our country in return.

I am pleased that today, on the eve of the Memorial Day weekend, the Senate has been able to recall what our service men and women have done for each of us. I am pleased that we can do something for them in return. And I am pleased that we have been able to pass the Heroes Earnings Assistance and Relief Tax Act of 2008.

Nearly 1.5 million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000

troops have been wounded in action there.

It is time that Congress showed its gratitude to these brave men and women. They have devoted their lives to the pursuit of American freedom.

Today, we are doing just that. We have passed a bill that offers tax relief to these men and women who serve our country so valiantly.

During a trip to Iraq last year, I saw the amazing job that our troops are doing. I met many Montanans from small towns such as Roundup and Townsend.

I saw firsthand what a heavy burden our troops bear for all of us. They face hardships and danger. But they keep at it every day.

This bill makes permanent the special tax rules that make sense for our military. Many of these rules expired at the end of 2007.

For example, most troops doing the heavy lifting in combat situations are lower ranking soldiers in the lower income brackets. Some of them are earning combat pay at levels that would qualify for the earned income tax credit. But under current law, combat pay does not count toward computing the EITC.

Congress fixed that temporarily. But the provision that fixed the problem expired at the end of 2007.

The EITC is a beneficial tax provision for working Americans. It makes no sense to deny it to our troops.

Today, we have made combat duty income count for EITC purposes, and we have made that change a permanent part of the Tax Code.

This military tax package also eliminates obstacles in the current tax laws that create problems for some veterans and service members.

For example, family members of fallen soldiers killed in the line of duty receive a death gratuity benefit of $100,000. But the tax law does not allow the survivors to put this benefit into a Roth IRA. This bill will guarantee that the family members of fallen soldiers may take advantage of these tax-favored accounts.

Another problem for our disabled veterans is the time limit for filing to get a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed because of lost paperwork or the appeals of rejected claims. Once a disabled vet finally gets a favorable award, the disability award is tax-free.

In many cases, however, these disabled veterans paid taxes on the payments in the past. The veterans cannot get the taxes paid back because the law bars them from filing a claim for a tax refund that goes back far enough.

We take care of this problem by giving disabled veterans an extra year to claim their tax refunds.

This bill is paid for by requiring that companies that do business with the Federal Government pay their employment taxes. The bill makes sure that foreign subsidiaries of U.S. parent companies that have contracts with the Federal Government pay employment taxes for their employees.

Another offset in the bill is a provision that makes certain that individuals who relinquish their American citizenship or long-term residency pay their fair share of Federal taxes. This provision ensures that these folks pay the same tax for appreciation of assets, such as stocks or bonds, as they would pay if they sold them as U.S. citizens or residents.

We owe the men and women fighting in our armed forces an enormous debt of gratitude. They leave their families and put their lives on the line to fight for our freedoms.

And so today, the Senate pauses to recall what our service men and women have done for each of us. Today, the Senate pauses to ask ourselves what we can do for them in return. And today, the Senate pauses to say thank you.

Mr. GRASSLEY. Mr. President, the Heroes Earnings Assistance and Relief Tax Act of 2008, the HEART Act, which passed the Senate by unanimous consent today, was a bipartisan effort that incorporates most of the provisions in the Defenders of Freedom Tax Relief Act of 2007, which passed the Senate last December. The HEART Act also makes permanent and expands upon some of the tax relief measures that I coauthored with Senator BAUCUS in 2003, while chairman of the Senate Finance Committee.

Our men and women who serve in the military make tremendous sacrifices to keep this great Nation safe and strong. Oftentimes, this very service makes taxes complicated and sometimes unfair. It is only right that these honorable men and women get treated fairly under the Federal Tax Code. The Federal Tax Code shouldn't penalize people for serving their country.

It has been a few years since Congress enacted a tax relief measure for the military. As such, we have updated the relief package to include some additional relief. Amongst some of these new measures is a clarification that members of the military who file a joint tax return would be eligible for the stimulus rebate payment even if one spouse does not have a Social Security number.

The bill also ensures that U.S. employers of Americans working abroad pursuant to a Government contract pay Social Security and Medicare taxes, regardless of whether they operate through a foreign subsidiary. Amongst the offsets in the HEART Act is a provision that ensures individuals who relinquish their U.S. citizenship or long-term residency pay the same Federal taxes for the appreciation of assets as they would have paid if they sold them prior to relinquishing their U.S. citizenship or terminating their long-term residency.

It is unfortunate that the Senate was not able to strike an agreement with the House to include a provision that Senator ROBERTS championed. This provision would make more service members eligible for low-income housing.

However, Senator ROBERTS has been reassured by House, Ways and Means Democrats that this provision will be processed with the House's low-income housing credit reform measures, which was part of their housing bill.

Mr. KERRY. Mr. President, today the Senate has passed legislation which will assist military families. I agree with Ways and Means Chairman CHARLES RANGEL that this legislation should be called the ''thank you bill.'' As we approach Memorial Day, I am pleased that the House and Senate have passed this important legislation which will help thousands of military families.

I would like to thank Senators BAUCUS and GRASSLEY for the work they have done on this bill. The HEART Act reflects a compromise reached by the Ways and Means and Senate Finance Committees. Last year, Senator SMITH and I introduced the Active Duty Military Tax Relief Act of 2007, which would help those who bravely serve their country and the families that they have left behind.

The HEART Act includes several provisions from the Active Duty Military Tax Relief Act of 2007. It also includes additional provisions to help military families and veterans who often struggle financially.

The best definition of patriotism is keeping faith with those who serve our country. That means giving our troops the resources they need to keep them safe while they are protecting us. And it means supporting our troops at home as well as abroad.

Currently, there are over 160,000 military personnel serving in Iraq. There are approximately 33,000 United States servicemembers in Afghanistan. Many of these men and women are reservists and have been called to active duty, frequently for multiple tours.

Most large businesses have the resources to provide supplemental income to reservist employees called up I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

In January 2007, the Committee on Small Business and Entrepreneurship held a hearing on veterans' small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the call up of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long call ups and redeployments have made it hard for

small businesses to be supportive of civilian soldiers.

The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses to assist with the cost of paying the salary of their reservist employees when they are called to active duty. A similar provision is included in the HEART Act.

In addition to helping small businesses, the Active Duty Military Tax Relief of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment, and allows the differential military pay to be treated as compensation. These provisions are included in the HEART Act.

The Active Duty Military Tax Relief Act of 2007 would make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income tax credit, EITC. Without this provision, some military families would no longer be eligible to receive the EITC because combat pay is currently not taxable. It also would provide tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000. Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement. Both of these provisions are included in the HEART Act.

Recently, Representatives ELLSWORTH and EMANUEL and Senator OBAMA and I introduced the Fair Share Act of 2008 which ends the practice of U.S. government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. I think that is appropriate that the Fair Share Act is included in the HEART Act. The revenue raised from closing this abusive loophole will help offset the tax relief provided to military families.

On March 6, 2008, Farah Stockman of the Boston Globe reported that Kellogg, Brown and Root Inc.—KBR—has avoided payroll taxes by hiring workers through shell companies in the Cayman Islands. The article estimates that hundreds of millions of dollars in payroll taxes have been avoided a disturbing, yet not all too surprising discovery.

The Fair Share Act of 2008 will end the practice of U.S. Government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. The legislation amends the Internal Revenue Code and the Social Security Act to treat foreign subsidiaries of U.S. companies performing services under contract with the United States government as American employers for the purpose of Social Security and Medicare payroll taxes.

Our service men and women need to know that we are honoring their service. These changes to our tax laws will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families at home and abroad.

Mr. HATCH. Mr. President, today I rise to congratulate Senator WEBB on the passage of S.22 the Post 9/11 Veterans Educational Assistance Act. This is an important piece of legislation worthy of serious consideration.

However, despite its noble intent, I voted against the measure for two reasons. First, Senator WEBB's legislation was attached to a massive spending amendment which, coupled with the rest of the wartime supplemental bill, exceeds the $108.1 billion expenditure limit set by the President. Therefore, for this reason, and others, I believe that the President will veto this legislation.

The second reason is that I believe that Senators GRAHAM, BURR, and MCCAIN have offered a superior piece of legislation, S.2938 the Enhancement of Recruitment, Retention and Readjustment through Education Act. S.2938 will assist our nation's veterans by significantly improving education benefits for both those who have left the services and those who decided to make the military their career.

Specifically, S.2938 will permit Guard and Reservists to more easily qualify for benefits; eliminate the $1,200 fee that servicemembers are currently required to pay in order to qualify for education benefits; and increase the annual stipend for books to $1,000. Most importantly, the Graham, Burr and McCain legislation will increase the level of monthly payments for a college education from $1,100 to $1,500.

I view this as a much simpler and fairer compensation package than S.22. S.22 would provide tuition assistance equal to the sum charged by the program in which the veteran is enrolled. However, this assistance is capped at the amount of in-state tuition imposed by the most expensive public college in the same state as the school where the veteran is enrolled.

Obviously, this is a very complicated funding mechanism which I fear will unnecessarily complicate the future education plans of many servicemembers. I am also concerned that such a funding scheme will adversely affect those veterans who wish to pursue educational opportunities at private and parochial colleges and universities.

However, S.22 is not without its advantages, since it provides a basic housing allowance. But, the Graham, Burr and McCain bill also supports military families by enabling servicemembers and veterans the option of transferring some of those benefits to a spouse or child. This is a provision that S.22 does not contain.

In final analysis these are two serious pieces of legislation that merit close scrutiny. However, in my final analysis, I believe that the Graham, Burr and McCain bill is the superior bill and I look forward to debating that measure and voting for it once the Senate returns from the Memorial Day recess.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD WISHES FOR SENATOR KENNEDY

Mr. ENZI. Mr. President, in my 11½ years in the Senate, I have worked closely with a very special man, a very caring man, a very liberal man, a very energetic man, a very thoughtful man, and a man who has become my dear friend. That man is Senator TED KENNEDY, the Senator from Massachusetts.

A great blow was dealt to the Senate when we found out Senator KENNEDY had a malignant brain tumor. This blow is not because of what may or may not get done in his absence. No, this blow went straight to the heart of anyone who has known this man as a friend.

Many find it hard to believe that Senator KENNEDY, the third most liberal Senator in the Senate, and I, the fourth most conservative Senator in this body, could get along or actually enjoy each other's company. But we do.

When I was chairman of the HELP Committee, I worked under what I called my 80 percent rule. I always believed we could agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on the 80 percent, we can do great things for the American people. Senator KENNEDY and I worked together on proposals using that rule, and we found that 80 percent in the things we undertook. We also found friendship.

In those 2 years, we passed 35 bills out of the Health Education, Labo& Pensions Committee, and the President signed 27 of those into law. Most of them passed almost unanimously. Again, it was kind of the belief that if two people that far apart could come together on an issue, it must be OK. The HELP Committee used to be the most contentious committee in the Senate, but in our 3 years of working together as chairman and ranking member, we turned it into the most productive committee in the Senate. I

remember being in the President's office at a bill signing and having him say, ''You know, you are the only committee sending me anything.'' We got to checking on it, and he was right.

I could not help but think of my friend as I stood next to the President while he signed the Genetic Information Nondiscrimination Act a few weeks ago. That bill was the fourth bill that month Senator KENNEDY and I sent to the President. We had worked on it for several years, and we are glad it finally passed, almost unanimously. We briefly conferenced it with the other side, so the differences are already worked out before they vote on the bill. It went to the President's desk. That is a perfect example of how we worked together to pass legislation that had been held up for years.

Another example is the mine safety law. In 6 weeks, we worked together to pass the first changes to mine safety law in almost 30 years. The average bill around here takes about 6 years to pass. That one happened in 6 weeks.

We share an incurable optimism, and if you add that in with TED's work ethic and my persistence, you have a great recipe for success.

When we don't get along, you will see us come to the Senate floor and debate our policy differences passionately. Once the votes are cast and we walk off the floor, we move on to tackle the next issue, and we do that as colleagues with a deep respect for the other person and his beliefs.

We have taken trips around the country together to look at mine safety and hurricane damage. I have also invited Vicki and TED to come to Wyoming to dig fossils with Diana and me when our schedules can work it in. We have some 60-million-year-old fossil fish in Wyoming. If you ever see the brown bones of a fish in a piece of white rock, it undoubtedly came from Wyoming. If you see brown bones in a brown rock, it probably came from the other place, which would be China. But I have invited him out to do a little fishing in the fossil field with me. This week I even sent him a very small one that we might be able to use for bait if we get to do that.

Mr. Chairman, if you are listening, I do still expect you to make that trip to Wyoming for the fossil dig.

Senator KENNEDY has a very deep human side. Although he has one of the busiest schedules of any Senator, he makes time to do small things for those around him. There is a program called Everybody Wins; it is a reading program, where an individual who is willing to volunteer their time meets each week with a young person and they read. One reads to the other, and the other reads back. It is a tremendous help to kids in reading. But to do that, you have to sacrifice an hour each week, and you work with the same child each week. Senator KENNEDY does that. Not many people make that kind of a time commitment.

Senator KENNEDY is also thoughtful. I will always remember when he brought me a gift when each of my grandchildren was born. One happened to be a little pair of training pants that said ''Irish Mist'' on the back. He even treats my staff like family. He made a copy of the painting he made for Vicki on their wedding day and presented it to my scheduler when she got engaged. He always makes a special point to thank my staff on the Senate floor for all their hard work to get their bills through. He somehow finds time for all these things. He also came to a staff coffee in my office. Every month, we do a staff coffee, and that means I invite two Democratic Senate offices and two Republican staff offices to come to my office, so people can meet their counterparts in a less violent situation than working on a bill. If they know their counterparts—if you get to know somebody, it is pretty hard to work against them when you actually have to do the work. On this particularly rare occasion, the Senator showed up also. He came to my office and dramatically presented me with a photo of a University of Wyoming football helmet and a Harvard football helmet next to each other, with a note that said, ''The Cowboys and the Crimson make a great team.'' I agree.

Senator KENNEDY has quite a few friends from Wyoming, one of which is the former Senator Al Simpson. Al and Senator KENNEDY worked together for many years. They even did a little radio program. So when I was elected, my first bill was one dealing with OSHA. That is one of the primary areas of interest of Senator KENNEDY. He was ranking member on the committee. After I got it drafted, I went around to every member of the committee and I pleaded with them and they sat down and went through the bill with me, a section at a time, and asked questions. I answered them. The last person I had on the list to talk to—and the most formidable, in my view, because I knew his history—was Senator KENNEDY. So to get permission to meet with him, I called Al Simpson and said: Could you talk to Senator KENNEDY for me and see if he would meet with me to go through this bill?

The next day I got a call from Senator KENNEDY, who said: Yes, come on down to my office. I will meet with you. So I went down there. My mother had been named ''Mother of the Year'' for Wyoming the day before, and he presented me with clippings of my mother's award. He went through that bill with me, a section at a time.

It wasn't until the markup of the bill that I found out that was not the way you did things around here. He explained that in his, I think, 35 years at that time, he had never had a Senator ask him to sit down and go through a bill a section at a time. The bill did not pass, but several sections of the bill are now law. It was the first eight changes in OSHA in the history of OSHA. After we did those eight changes, he came to me and said: I have this needle stick bill I have been trying to get through. Would you take a look at it?

I did. We made some changes to get to the 80-percent rule, and it passed unanimously here and in the House and the President signed it. The nurses were appreciative and the janitors were appreciative because either of them could get an accidental needle stick and they wouldn't know where it had been and they would have to wait months to find out if they were going to get something from it.

I learned a lot from each of these opportunities to work with TED KENNEDY. I had no idea I would be chairman of the committee, and he would be the ranking member. Then I had no idea the majority would change and he would become chairman and I would become ranking member. I remember meeting with him after he became chairman, where we took a look at the bills we intended to get done during these 2 years, and we have had pretty substantial progress on that. I told him I was glad he was chairman because after I had studied under him for 2 years, I would be able to do a much better job when I became chairman again. He laughed.

A week ago today, we were resolving some issues on the floor and several other things we are trying to get done, and I remember being over in that corner where he was telling me about his dad's recipe for daiquiris, and earlier this week we passed the National Day of the American Cowboy, and that reminded me of an incident in Montana when Senator KENNEDY was helping his brother, he actually went to a bucking horse sale and rode a bucking horse and wound up on the cover of LIFE magazine—to get the Kennedy name out to help get his brother nominated. As a result, Montana and Wyoming both went for Senator John F. Kennedy and put him over the top for the nomination to be President.

There are a lot of other stories I would like to tell, but I will not because of the time.

TED, my chairman, Diana and I are praying for you and your family during this trying time. ''Cancer'' is the last word any family wants to hear. I know you will fight it; you have that fighting spirit. I wish to see you at the next bill signing in the President's office and with me again in the HELP Committee hearing room. We have more bills to pass, fossils to dig, fights to battle, and laughs to enjoy together. We have to keep up our bill-of-the-month club for the President.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I echo the words of my friend, Senator ENZI from Wyoming, about Senator KENNEDY. I have had the honor for only 15 months now to serve on his and Senator ENZI's HELP Committee. Even more important than Senator ENZI points out and even more important than Senator KENNEDY's passion for his work, his commitment to social and

economic justice and his never, ever giving up in fighting for those things he believes in, is what Senator KENNEDY does personally for all kinds of people, including people who don't live in his State, people whom he has never met, people who walk down the hall. He brings them into his office and gives them a book, written by Senator KENNEDY, but in the name of his dog Splash. And he talks to children. Again, they are people Senator KENNEDY doesn't even know, who can do nothing for him politically. He gives so much in those ways.

As Senator ENZI does, I hope Senator KENNEDY will be back here as strong as ever. He has used that energy and passion for so many others, and he will put that same energy and passion into being cured. We all look forward to that day in the fairly near future.

(The remarks of Mr. BROWN pertaining to the introduction of S. Res. 574 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. I thank the Chair.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 3071 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MEMORIAL DAY

Mr. BYRD. Mr. President, this coming Monday, May 26, the nation sets aside a day to honor those brave men and women who died in battle while wearing the uniforms of the Nation's Armed Forces. Soldiers, sailors, marines, and airmen; officers and enlisted; volunteers and draftees; young and old; they were all members of our American family our fathers, brothers, sons, mothers, wives, sisters, cousins, neighbors and friends. More than 41 million Americans have served their nation during a time of war over the course of our history. More than 651,000 Americans have lost their lives as a result of that service. It is likely that somewhere in every family's extended network of relatives, neighbors and friends, there is a veteran, perhaps even a veteran whose service and sacrifice we honor on Memorial Day.

Despite the fact that some 200,000 of our fellow citizens are today wearing uniforms and serving in hostile theaters far from home, too many Americans see Memorial Day weekend only as a long weekend marking the end of the school year, the opening of pools, and the beginning of summer. We are beguiled by the warm breezes redolent of honeysuckle. We are distracted by bright sunshine and outdoor pleasures. We are lulled into a sense of security and carelessness, at home in our safe neighborhoods with new-mown lawns, cheerful flowerbeds, and shady streets. It is easy to forget that in distant places, men in dusty uniforms patrol dangerous streets mined with improvised explosive devices.

If you take a moment to look more closely, however, you may notice the flags flying from front porches along those shady streets. You might notice other flags, smaller flags, planted in front of marble markers throughout cemeteries around your town, each marking the grave of a veteran. You may notice families visiting gravesites in a ritual as old as war itself, laying down flowers to remember and honor those whose lives were lost too soon, too violently, too far away from home and family, in pursuit of causes larger than themselves. They are gone, but not forgotten by those who knew and loved them best.

War is a terrible tool of nations, and its use exacts a high price in both blood and treasure. On Memorial Day, the nation honors those who have paid this price with great courage and even greater sacrifice. It is important to remember the lives of those who were lost, lest we come to think that war is ever easy, or quick, or certain in its course. We do well to remember the words of Sir Winston Churchill, 1874–1965: ''Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events.''

The current wars in Iraq and Afghanistan have meant that many of the gravesites being visited this Memorial Day, more than 4,000 of them, are raw and new. Many of the families visiting those graves bring young children with them, children who have lost a father or mother. They know that their parent died a hero. But that knowledge does not make the day-to-day tasks of school, homework, sports practices, or learning life skills from their parents any easier for these children. It does not make it any easier for the parent left behind to shoulder a life's work that they thought would be shared with their partner. As a nation, we should not give them any reason to worry that their family member's sacrifice will ever be dismissed or overlooked.

Ours is a fortunate nation, blessed with a rich and bounteous land. It is populated by hard-working, creative, inventive, people who are generous and compassionate. And, it is governed by the best form of government ever devised by man. The tangible symbols of that government are the documents of our government the Declaration of Independence and our Constitution that set forth the ideals by which we live and operate. As a Nation, we do not always live up perfectly to those ideals in practice, but we are again fortunate that the system is self-correcting, with the people ultimately in control. None of these fortuitous circumstances could persist, however, without the bravery, valor, and sacrifice of our men and women in uniform who defend our Nation and preserve our Constitution. To them, we owe eternal gratitude. Their willingness to answer the call to battle, and to fight so valiantly and so well in so many conflicts over the years, has kept the Nation strong.

Whether they died at Concord, Gettysburg, in Flanders Fields, Vietnam, or in Iraq and Afghanistan; whether their graves date from this century or those that came before, on this last Monday in May, I hope that Senators and all Americans will set aside a few quiet moments to remember, and honor, the men and women who have lost their lives in the service of the Nation. In those quiet moments, I also hope that the Nation will say a prayer for the families they left behind.

I close with a few stanzas from a poem by Theodore O'Hara, entitled, ''The Bivouac of the Dead.''

THE BIVOUAC OF THE DEAD

The muffled drum's sad roll has beat
The soldier's last tattoo!
No more on life's parade shall meet
The brave and fallen few.

On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Rest on, embalmed and sainted dead,
Dear is the blood you gave—
No impious footstep here shall tread
The herbage of your grave.

Nor shall your glory be forgot
While Fame her record keeps,
Or honor points the hallowed spot
Where valor proudly sleeps.

Yon marble minstrel's voiceless stone
In deathless song shall tell,
When many a vanquished year hath flown,
The story how you fell.

Nor wreck nor change, nor winter's blight,
Nor time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb.

Mr. BENNETT. Mr. President, Memorial Day is a day of reflection. It is a day reserved for remembering those who have given their lives in service to our country. While we may choose to remember these individuals in different ways, each American has a responsibility to recognize the contribution of those who have paid the ultimate sacrifice to defend the values upon which this Nation was built.

Over the years, I have had the opportunity to meet with a number of the men and women serving in our military, many of whom I am proud to say are fellow Utahns. I am always very humbled by this experience. The courage and dedication of these individuals offers much to emulate.

I recognize the sacrifice of the countless men and women who over the decades have selflessly given their lives to uphold freedom and defend the many values we hold dear. Each of these individuals not only gave of their own life but left forever altered the life of a mother, father, husband, wife, son, daughter, brother, or sister. Those

loved ones who are left behind are owed our respect and support. We must continue to work to ensure the fallen are remembered and those they leave behind are not forgotten.

In this time of war, my thoughts and prayers are with all who serve this Nation and with those families who have made the ultimate sacrifice. I am deeply grateful for this service. Please let us not forget the courage and selflessness of these individuals—to them we owe a debt beyond our means to repay. This Nation shall forever stand grateful and proud of each man and woman who has willingly accepted the call to defend our freedoms and provide for our safety at home.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today with the great pleasure of recognizing the month of May as Asian Pacific American Heritage Month and honoring the many contributions that Americans of Asian and Pacific Islander descent have made to our great Nation and to my home State of Nevada.

I am proud of the role this distinguished chamber played in the designation of Asian Pacific American Heritage Month, albeit many years too late. On June 19, 1978, some 135 years after the arrival of the first Japanese immigrant to the United States, Representatives Frank Horton and Norman Mineta introduced a joint resolution ''authorizing and requesting the President to proclaim the 7-day period beginning on May 4, 1979, as 'Asian/Pacific American Heritage Week''—H.J. Res. 1007. Two months after being passed overwhelmingly by the House, the Senate unanimously approved the joint resolution and promptly sent it to President Jimmy Carter for his signature.

In addition to recognizing the onset of Japanese immigration to America, the month of May was selected because May 10, 1869, also known as Golden Spike Day, marked the completion of the first transcontinental railroad in the United States, to whose construction Chinese pioneers contributed greatly. Hundreds of miles of this railroad passed through a newly admitted and mostly uninhabited western state that I have called home for my whole life. Without the tireless efforts and tremendous sacrifices of these Asian settlers, the state of Nevada would have remained largely disconnected from the rest of our country for an untold number of years.

Rising to support H.J. Res. 1007, Senator Spark Matsunaga, who served the State of Hawaii for over 13 honorable years before succumbing to cancer, remarked that ''most Americans are unaware of the history of Pacific and Asian Americans in the United States, and their contributions to our Nation's cultural heritage.'' He continued by saying that one of the two main purposes of the joint resolution was ''to imbue a renewed sense of pride among our citizens of Pacific and Asian ancestry.'' I am delighted that the many celebrations taking place around the country to commemorate Asian Pacific American Heritage Month, particularly in my home State of Nevada, have showcased the enduring sense of pride that Senator Matsunaga spoke about nearly three decades ago.

Almost 14 years after President Carter signed H.J. Res. 1007 into law, Representative FRANK Horton once again assumed the leadership role on this issue and introduced a bill to permanently designate May of each year as ''Asian Pacific American Heritage Month''—H.R. 5572. After this bill was passed by both Houses of Congress, President George H.W. Bush signed it into law on October 23, 1992.

Ever since, our country has taken the time at the end of each spring to celebrate the innumerable contributions that Americans of Asian and Pacific Islander ancestry have made and continue to make to the United States. To the roughly 15 million Asian and Pacific Islander Americans who currently live in our country, and most especially to the thousands of those who reside in Nevada, I wish you all the best during this joyous time of year. I urge my colleagues in this Chamber to do the same.

TRIBUTE TO JOSEPH R. EGAN

Mr. REID. Mr. President, I join Senator ENSIGN today to recognize the remarkable life of Joe Egan, who passed away on May 7, 2008.

Joe is known in Nevada and throughout the country as a skilled attorney who worked hard to make our Nation safer and to stop the proposed Yucca Mountain nuclear waste dump from being built in Nevada. I think Joe hated the nuclear waste dump project as much as I do. In his obituary, he arranged to have his ashes spread over Yucca Mountain. ''Radwaste buried here only over my dead body,'' he said.

After learning in 1996 that Yucca Mountain was scientifically unsuitable for storing radioactive waste, he was deputized as the lead lawyer for the State of Nevada's efforts to fight the dump. Nevadans should be proud to have had such a magnificent person fighting for them.

Joe was a key force in dealing multiple blows to the project and bringing it to a standstill. Over the years, Joe has made it abundantly clear that the project is unsafe and that the science behind it is unsound. It speaks to his character that although he was not from Nevada, he fought against this project with both passion and strength because he knew that it was the right thing to do. When we finally end the battle against the Yucca Mountain project, we will have done it together with Joe and his team.

Joe was by no means antinuclear. He just wanted to see nuclear power produced safely and the dangerous wastes it produces to be managed properly. He also worked hard on nonproliferation efforts, helping the United States secure thousands of tons of weaponsgrade uranium from all over the world.

Joe's legacy will live on through his family, friends, and through his tremendous efforts to keep Nevadans and all Americans safe.

Mr. ENSIGN. We have both had the pleasure to know and work with Joe. He was a brilliant man a Minnesota native who received three degrees, in physics, nuclear engineering, and technology and policy from the Massachusetts Institute of Technology. He received his law degree from Columbia University. During his lifetime, Joe did everything from working in the control room of a nuclear powerplant to serving as president of the International Nuclear Law Association. Joe was a strong supporter of nuclear energy. Throughout his life, he fought for the development of sensible, sound, and safe nuclear policies.

Joe served as Nevada's lead attorney in the fight against dumping nuclear waste in Nevada. Applying his deep knowledge of the law and nuclear engineering, Joe helped the State of Nevada in our fight against Yucca Mountain.

Mr. REID. Joe Egan was a talented person who led a rich life which was tragically cut short by an aggressive cancer. I am saddened by his death, and will not forget all that he has done for the people of Nevada. To his wife, children, and family, I wish to extend my deepest sympathies.

Mr. ENSIGN. The work that Joe has accomplished during his lifetime will forever stand as a fitting testament to his character. He was an amazing lawyer, a great father, and he will be sorely missed by all. My sincere condolences go out to his family.

CONGRATULATING MENA BOULANGER

Mr. DURBIN. Mr. President, today I wish to honor the contributions of Mena Boulanger to the Chicagoland area. Next week, Mena is retiring after 30 years of work to raise public awareness of the Forest Preserve District of Cook County and its conservation efforts throughout its 76,000 acres.

In the fall of 1973, the Boulanger family—Mena and David and children Sarah and John—made their way from Seattle, WA, to Cook County, IL. The family began spending almost every weekend exploring the various Forest Preserve District sites in the Western suburbs of Chicago. Leaving behind the landscape of their native Pacific Northwest, the family's appreciation of the Midwest flora and fauna came slowly, and so did a commitment to the prairie around Chicago—lands now part of Chicago Wilderness.

In 1979, Mena began as the first, full-time Director of Development for the Lincoln Park Zoological Society. For

the following 11 years, Mena dramatically increased fundraising efforts, allowing the Lincoln Park Zoo to expand at an unprecedented rate.

Mena transitioned to Chicago's Zoological Society, working with the Brookfield Zoo in 1991, where she assumed the role as Vice President for Development. It was during this time, that Mena achieved one of her most significant long-term accomplishments. Mena helped secure additional bonding authority for the Forest Preserve District so that it could address its capital maintenance needs, as well as the needs of the Brookfield Zoo and Chicago Botanic Gardens. The Forest Preserve District's holdings—and those of the Brookfield Zoo and Chicago Botanic Garden—have significantly improved through the use of these bond funds.

In 2003, she became the Vice President of Government Affairs and Strategic Initiatives, directing the Zoo's local, State, and Federal government communications and solicitation programs. Mena worked closely with Zoo staff to help the Forest Preserve District better serve Cook County residents through special outreach programs, including tours for senior groups, family pass programs at area libraries, and information on Brookfield Zoo job fairs and lecture series.

One of Mena's signature achievements was raising funds for the Hamill Family Play Zoo, an award-winning play area for children age 8 and under that has served as a model for many zoos across the country.

A few years ago, Mena was diagnosed with breast cancer. In the midst of a personal health crisis and in addition to pursuing traditional therapies, Mena thought about all of the women in her life—daughter, granddaughters, friends, colleagues—and enrolled in an NIH-funded study at Loyola University in Chicago, examining the effects of meditation on immune cells in breast cancer patients. That is what makes Mena special. She is always optimistic, always strong, and always looking to help others. I am happy to say that Mena's cancer is in remission. She is a survivor. She is also an inspiration.

To say that Mena is ''retiring'' somehow doesn't seem quite right. It would be more accurate to say that she is redirecting her energies. I have no doubt that Mena will remain involved in her community and committed to the many causes in which she believes so deeply. I know she is excited to spend more time with her family, especially her four grandchildren. Mena will enjoy having more free time to spend hiking, picnicking and exploring the lands of the Forest Preserve District she treasures so dearly. And if you know Mena, you also know that she enjoys a good, spirited political debate. I can only imagine how retirement will foster that passion.

It is with a sense of gratitude that I wish Mena Boulanger well as she prepares to retire from the Chicago Zoological Society and moves on to the next chapter in her life. Mena has created a lasting impact on the lives of thousands through her work and volunteerism in the Chicagoland region. Anyone that has visited either the Lincoln Park Zoo or Brookfield Zoo since 1980 has benefited from Mena's efforts and generosity.

I wish Mena Boulanger the best in her retirement and thank her for caring for the Midwest flora and fauna she embraced some 35 years ago.

HONORING DOMINIC AND BRENDA RANDAZZO

Mr. DURBIN. Mr. President, I rise today to honor two constituents, Dominic and Brenda Randazzo, who have spent much of their lives giving back to their community.

Dominic and Brenda are a remarkable couple. Through 45 years of marriage, three children and seven grandchildren, they have maintained an unyielding spirit of giving back.

They were honored recently as the 2008 Servant Leaders of the Year by Provena St. Mary's Foundation in Kankakee, IL.

Provena St. Mary's Hospital has a special meaning for Dominic and Brenda. It is where they were both born.

For many years, both Dominic and Brenda have been among the hospital's most loyal supporters. Dominic has served as lead fundraiser for the hospital's annual Black Tie Gala for more than 8 years.

Last year, Dominic asked Brenda if she could lend some helpful suggestions for an auction benefiting the hospital. Brenda wound up chairing the auction and raised generous contributions.

Dominic grew up in Kankakee, IL and after he graduated from college, spent nearly 2 years in the United States Army, including time in Germany. After his years in the service, Dominic went to work for Armour Pharmaceutical in 1960 where he met his lovely wife, Brenda.

Two years ago, Dominic retired as the manager of community and government relations for Aventis Behring. This job combined Dominic's two favorite passions, community and legislation.

Brenda grew up in Chebanse, IL, with dreams of becoming a flight attendant or an interior designer. After working at Armour Pharmaceutical and meeting Dominic, Brenda joined Albanese Development, a company that designs, builds, and decorates hotels. Brenda's caring nature helped her excel in the hospitality industry, ultimately being named General Manager of Year in 2000 by the American Hotel and Lodging Administration.

Provena St. Mary's is only one of many community organizations to which the Randazzos give so generously of their time and talents.

Dominic also spends countless hours with the United Way of Kankakee County. In 2004, he chaired that organization's Leadership Giving Campaign and broke its previous fundraising record. For his efforts, he was honored with the Ken Cote Award, better known as the Mr. United Way Award.

For more than 15 years, Dominic organized the Hemophilia Foundation of Illinois' annual Walk-and-Bike-a-thon.

Throughout her career in hotel management, Brenda, too, has always found time to help others. On Halloween, Brenda invited Easter Seals to bring children to trick-or-treat at the hotel. She also mentored low-income women—helping them obtain jobs at her hotels and access to public transportation. And she is a stalwart supporter of both the Arthritis Foundation and the Rotary Club in Bourbonnais, IL.

Their motivation for their service is simple and inspiring. Dominic and Brenda Randazzo both say that they have been blessed, and they want to share their blessings with others.

We are all enriched by the good works and fine example of caring citizens such as the Randazzas. I congratulate both Dominic and Brenda on their well-deserved honor and thank them for their many years of selfless giving to others.

GUNS AND CHILDREN

Mr. LEVIN. Mr. President, often when we talk about combating gun violence, we discuss preventing criminal access to dangerous firearms. However, we must also focus our attention on the unsupervised access to firearms by our children and teenagers. While firearms in the hand of criminals pose a significant threat to society, many of the fatal firearm incidences in our country occur when children and teens discover loaded and unsecured firearms in their own homes. Over the years, suicides and accidental shootings have claimed the lives of thousands of young people. Sadly, many of these tragedies could have been prevented through commonsense gun legislation.

The Center for Disease Control and Prevention estimates that 1.69 million children in the United States live in households with unlocked and loaded firearms. Tragically, firearms kill an average of nearly eight children and teenagers a day. What's more, the Children's Defense Fund estimates that at least four times this number are injured in nonfatal shootings.

Many parents believe that simply educating their children about the dangers firearms can pose is enough to keep them safe. Unfortunately, this is simply not the case. A study conducted by the Harvard School of Public Health, involving 201 families who have guns in their homes, found that 39 percent of the parents who stated their children did not know the storage location of their firearms were contradicted by their children. In addition, 22 percent of the parents who believed their children had not handled their

guns were contradicted by their children. The study concluded that although many parents had warned their children about gun safety, there was still a significant possibility that they were misinformed about their children's actions with their guns.

Common sense tells us that when guns are secured, the risk of children injuring or killing themselves or others with a gun is significantly reduced. By passing legislation that would require that all handguns sold by a dealer come with a child safety device, such as a lock, a lock box, or technology built into the gun itself, we could significantly decrease the possibility of a child misusing a firearm. I urge my colleagues to take up and pass such sensible gun safety legislation.

REMEMBERING SEAN KENNEDY

Mr. SMITH. Mr. President, I rise today in remembrance of a young man whose life was cut short because of a tragic crime—a hate crime. I came to the Senate floor, 1 year ago today, to speak about a vicious attack that killed Sean Kennedy on May 16, 2007. He was just 20 years old. As I have done countless times in the past, I have again come to the floor to highlight the needless deaths of hate crimes' victims and the need to enact Federal hate crimes legislation.

Recently, I had the opportunity to speak to Sean Kennedy's mother Elke Kennedy. I had heard that Elke had read about her son in the CONGRESSIONAL RECORD and was grateful that someone had recognized his death and understood the need for hate crimes legislation. For every victim of a hate crime, many more family members and friends are impacted by the tragic loss. While I know the pain of losing a son, I can only imagine the grief Elke must have felt when someone took the life of her son simply for who he was. As a nation, what do we say to Elke and other family members who have lost a loved one to a hate crime? What salve do we have to offer them for their pain? I believe we could start by passing Federal hate crimes legislation to demonstrate our national commitment to ending bias-motivated crimes.

No parent should have to fear for their child's safety because of their sexual orientation and because our laws do not adequately protect them. It is the Government's first duty to defend its citizens, to defend them against the harms that come out of hate. Federal and State laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. Sean's death is an unfortunate reminder of this fact.

The Matthew Shepard Act would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can lessen the very impact of hate on our society. Moreover, for parents like Elke Kennedy and Judy Shepard, Matthew's mother, it will finally prove that their sons' deaths were not in vain.

REFORMING THE FEDERAL HIRING PROCESS

Mr. AKAKA. Mr. President, I would like to speak today about the broken hiring process in the Federal Government and the need to recruit and retain the next generation of Federal employees.

The Federal Government is the largest employer in the United States, but every day talented people interested in Federal service are turned away at the door. Too many Federal agencies have built entry barriers for younger workers, invested too little in human resources professionals, done too little to recruit the right candidates, and invented an evaluation process that discourages qualified candidates. As a result, high-quality candidates are abandoning the Federal Government. The Federal Government has become the employer of the most persistent.

This problem was forcibly brought home at a hearing on May, 8, 2008, of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia entitled ''From Candidates to Change Makers: Recruiting the Next Generation of Federal Employees,'' which I chair. The subcommittee heard testimony from the Office of Personnel Management, the Nuclear Regulatory Commission, the Merit Systems Protection Board, the Government Accountability Office, Federal employee unions, think tanks, a human resources consulting firm, and an expert in New Media marketing.

The Government Accountability Office's testimony pointed out the broad failures of agencies to address these issues and stated, ''Studies by us and others have pointed to such problems as passive recruitment strategies, unclear job vacancy announcements, and imprecise candidate assessment tools. These problems put the Federal Government at a competitive disadvantage when acquiring talent.''

The Office of Personnel Management OPM is supposed to be the leader in the Federal Government on personnel and human capital practices, but not enough is being done. OPM's answer is to offer a legislative proposal that would have the Federal Government rehire retired employees on a part-time or limited-time basis. This demonstrates a clear lack of focus on attracting the next generation of Federal workers and working to retain the current employees. OPM estimates that 30 percent of the Federal workforce—approximately 600,000 employees—will retire in the next 5 years. Rehiring former employees does not address the changing culture of job seekers.

Mr. Dan Solomon, the chief executive office of the marketing firm Virilion, addressed the issue of developing recruitment strategies that are friendly to 25- to-35-year-old. Mr. Solomon laid out the challenge before Federal agencies in recruiting the next generation testifying, ''younger people are a difficult group to reach and engage . . . bottom line: people looking for jobs are online and the government needs to be there to attract the best.''

Reports and surveys from the Merit Systems Protection Board MSPB, the Partnership for Public Service, and the Council for Excellence in Government demonstrate that young people strongly desire to work in public service. Agencies need to meet young people where they are, and developing recruitment strategies, using online resources and streamlining the hiring process are essential to attracting the next generation of Federal employees. In the private sector, employers post jobs through many online venues and only require a resume and cover letter. Applying to the Federal Government should be accessible and easy.

There were many good suggestions made to improve the process. I believe that if OPM forced agencies to adopt those recommendations improvements would be made. For example, MSPB offered four sound recommendations that could significantly improve agencies' efforts if adopted, First, agencies should manage hiring as a critical business process, and not an administrative function that is relegated to the human resources staff. Second, agencies should evaluate their own internal hiring practices to identify barriers to high-quality, timely, and cost-effective hiring decisions. Third, employ rigorous assessment strategies that emphasize selection quality, not just cost and speed. Finally, agencies should implement sound marketing practices and better recruitment strategies, improve their vacancy announcements, and communicate more effectively with applicants.

Agencies can do this. The problem is not Congress. Since 2002, Congress has given agencies the flexibilities they need. Agencies no longer must rely on the rule of three or selecting only from the top three candidates who apply; they can use category ratings; and they can get direct hire authority from OPM. However, in many cases Federal agencies are not using these authorities. Neither is the competitive process the problem. The notion that merit system principles and veterans preference are barriers to hiring is wrong. These are good management practices that ensure agencies select qualified candidates and do not use discriminatory practices.

OPM has not done enough to force agencies to streamline their hiring processes and appeal to the next generation of employees. OPM developed the 45-day hiring model and Hiring Tool Kit to reduce the hiring time at agencies to 45 days and streamline internal processes. However, these have not reduced the number of complaints

from applicants about the length and complexity of the process. The 45-day model is 45 workdays or 9 weeks. Furthermore, agencies still require too much information up front from candidates instead of an approach that requires more information as the employee moves through the process.

Agencies need to adapt, just as the private sector has, to the culture of the next generation of Federal workers. Candidates should receive timely and informative feedback. Candidate-friendly applications that welcome cover letters and resumes should be implemented. And, more pipelines into colleges and technical schools need to be developed to recruit candidates with diverse backgrounds.

Witnesses from the hearing were committed to improving the process offered many recommendations to help agencies. However, these recommendations are not new and I am concerned that their efforts may be too little, too late. Agencies have the existing authorities to streamline their processes and some are already doing so, but it is not enough.

I am convinced that only through agency leadership that prioritizes this issue will any meaningful reforms take place. I will continue to press this administration to address this issue, and I encourage the next administration to take on the challenge of reforming the recruitment and hiring process to ensure that the Federal workforce is the greatest workforce in the world.

MEDICARE

Mr. BURR. Mr. President, for the last 8 weeks, a group of Republican Senators, led by Senator VITTER, have come to the floor to talk about health care. Thus far Senators VITTER, THUNE, ISAKSON, and DEMINT have spoken about health care particularly the choice we are facing this November in electing our next President. I don't think there has ever been such a clear difference in opinions between parties on an issue that issue is health care.

One side would like the Government to run health care. The other side would like to give individuals and families the resources to access their own health care that they can control and take with them from job to job. In a nutshell—big government v. individual and family choice.

This week I am responsible for talking about the most tangible area we see this dichotomy—Medicare. Under Medicare, beneficiaries either have fee-for-service or Medicare Advantage. The Government sets prices and makes coverage decisions under fee-for-service. Multiple private sector companies offer comprehensive coverage under Medicare Advantage. But the best example of individual choice and private sector competition is seen under Medicare's drug benefit—Part D. Let me first talk about Medicare Advantage.

In 2008, Medicare Advantage plans are offering an average of approximately $1,100 in additional annual value to enrollees in terms of cost savings and added benefits. Some examples of extra benefits available through Medicare Advantage plans are; No. 1, coordination of care; No. 2, special needs services; No. 3, predictability in out-of-pocket costs; No. 4, reduced cost-sharing for Medicare covered services; and No. 5, vision and dental benefits.

Competition in the Medicare Advantage Program has created significant value for beneficiaries. Medicare Advantage enrollees typically benefit from reduced cost-sharing relative to FFS Medicare. All regional PPO enrollees have the protection of a required catastrophic spending cap and a combined Part A and B deductible. Sixty-seven percent of plans have coverage for eye glasses. Eighty-three percent have coverage for routine eye exams. Eighty-six percent cover additional inpatient acute care stay days. Ninety percent waive the 3-day hospital stay requirement for skilled nursing facility care.

Many Medicare Advantage plan enrollees also receive basic Part D prescription drug coverage at a lower cost than stand-alone Part D plans can provide. Enrollees in Medicare Advantage plans that include Part D coverage save money on drug coverage in two ways: No. 1, Medicare Advantage plan drug premiums for basic coverage in 2008 were, on average, about $6 less than average Part D premiums for basic coverage; and No. 2, the Medicare Advantage payment structure allows Medicare Advantage with Part D to use rebates to further reduce Part D premiums. On average, Part D premium savings from rebates was more than $16 per month in 2008. In 2007 it was reported that 99 percent of Medicare beneficiaries have access to Medicare Advantage plans with zero added premiums, while 86 percent have access to plans that would cover prescription drugs with a zero premium through Medicare Advantage.

Some say Medicare Advantage is not needed because Medicare meets all the needs of the beneficiaries, but if this was true, millions of seniors would not purchase supplemental Medigap coverage to add benefits and pick up some costs. If Medicare Advantage plans were no longer available to those currently enrolled, 39 percent of the beneficiaries would go without supplementary coverage because they could not afford it. According to the NAACP, Medicare Advantage plans have been able to provide low income beneficiaries more comprehensive benefits and lower cost-sharing than if they just had Medicare alone.

Medicare Advantage enrollees report on their experience in Medicare Advantage plans through the Consumer Assessment of Health Plan Survey, CAHPS. Scores from CAHPS are consistently high. Eighty-six percent of respondents give their plan a rating of 7 or higher, on a scale of 10. Ninety percent of respondents indicated that they usually or always received needed care. And 88 percent of respondents indicated that they usually or always received care quickly.

As I said earlier, the greatest example of individual choice and private sector competition is found in Medicare Part D. The overall projected cost of the drug benefit is $117 billion lower over the next 10 years than was estimated last summer due to the slowing of drug cost trends, lower estimates of plan spending, and higher rebates from drug manufacturers. Compared to original Medicare Modernization Act projections, the net Medicare cost of the new drug benefit is $243.7 billion, or 38.5 percent, lower over the 10-year period, 2004 to 2013.

Ninety percent of Medicare beneficiaries in a stand-alone Part D prescription drug plan, PDP, will had access to at least one plan in 2008 with lower premiums than they were paying in 2007. In every State, beneficiaries had access to at least one prescription drug plan with premiums of less than $20 a month. The national average monthly premium for the basic Medicare drug benefit in 2008 is projected to average roughly $25. Seventeen organizations will offer stand-alone prescription drug plans nationwide in 2008.

Beneficiaries had a wide range of plans from which to choose—some that have zero deductibles and some that offer other enhanced benefits, such as reduced deductibles and lower cost sharing. There also are options that cover generic drugs in the coverage gap for as low as $28.70 a month; nationwide, beneficiaries in any State can obtain such a plan for under $50 a month.

Consumer satisfaction with the Part D benefit is very high: Wall St Journal/Harris Interactive, December 2007—87 percent satisfied; VCR Research/Medicare Rx Network, November 2007—83 percent satisfied; KRC/Medicare Today, October 2007—89 percent satisfied; and 90 percent of dual eligible beneficiaries and 85 percent of beneficiaries with limited incomes are satisfied. Both the KRC and VCR survey show that satisfaction is increasing 10 to 12 percent over the past 2 years and that 65 percent to 77 percent say that their Medicare plan is saving them money.

Our experience with the Medicare Advantage and Part D drug plan shows one thing—competition and choice works. Under Part D we have true competition—private plans bidding against one another and driving down the price of drug benefit packages to seniors. Seniors can go onto Medicare.gov and select the plan that best suits their needs for drugs, copays, pharmacy locations, and the overall premium. As I described earlier—premiums are more reasonable than we predicted and satisfaction is very high—competition and choice works.

Under Medicare Advantage we have competition-lite. Plans compete for beneficiaries, but Medicare Advantage reimbursement is tied to Medicare fee-

for-services rates in an area. People love to talk about how Medicare Advantage plans are reimbursed too much, but unfortunately that rally cry is based off a study that did not compare apples to apples. If you compare the cost of delivering Part A and B services alone, Medicare Advantage plans are only paid 2.8 percent more than Medicare FFS. I am comfortable paying 2.8 percent more because seniors have more choices, they receive more comprehensive benefits, and their care is coordinated under Medicare Advantage plans. Medicare Advantage plans actually match treatments with diseases and maintenance care with chronic conditions.

Senator COBURN and I want to move Medicare Advantage from competition-lite to full competition. We will be introducing a bill in the coming weeks that will force Medicare Advantage plans to truly compete against each other on price. Medicare Advantage plans already compete on service and quality under our bill they will have to taken lessons from Part D drug plans and compete on price.

If you have been listening from the beginning, you hopefully understand how effective competition and choice have been in two parts of the Medicare program. And you understand why I want that same robust health care competition and choice for every American. Every American deserves access to quality, affordable health care of their choice and competition between health care plans will help achieve that goal.

REBUILDING AMERICA'S IMAGE

Mr. DORGAN. Mr. President, our go-it-alone foreign policy over the last 8 years has severely damaged our image and stirred up anti-American sentiment around the world. We have lost the international goodwill we had following the terrorist attacks of September 11, 2001, and the failed strategy of the war in Iraq has cost us a good number of allies.

A worldwide survey conducted last year of 28,000 people, asking them to rate 12 countries, put the United States at the bottom, along with Iran and Israel, when it comes to having the world's most negative image. In fact, even North Korea ranked higher than the United States in that survey. Another survey found that our favorability rating around the world dropped considerably from 2000 to 2006. For example, in Germany, we went from a favorability rating of 78 percent in 2000 to 37 percent in 2006. In Spain, only 23 percent of people have a favorable opinion of the United States. I could go on and on, but I don't think anyone can dispute the fact that our image and credibility in the world has dropped dramatically. This negative trend hurts us. It makes it more difficult to implement our foreign policy, and even threatens our national security by making the United States a target.

With that being said, as the most powerful country in the world we still have an unprecedented opportunity to both help those in less fortunate countries and help our country regain the moral authority we once held.

A lot of interesting ideas have been proposed to repair our damaged image. Some of the most creative suggestions have come from students, such as the paper I recently received from Occidental College in Los Angeles. That paper makes recommendations for United States policy changes on issues like the war in Iraq, oil and energy issues, and illegal immigration, just to name a few. Calling for the United States to lead rather than dominate, to be a beacon more than a bullhorn, this paper presents a possible path to help repair our standing in the international community. I don't agree with everything in the paper, but it is full of interesting ideas that can make a difference. It is encouraging to see that the youth of this country have taken a serious interest in our country's image. I encourage my colleagues on both sides of the aisle to take a serious look at this and other proposals to see what Congress can do to help ensure that future generations inherit a government that is well respected throughout the world.

It is my hope that with the new administration, our country will be able to turn the page of the past 8 years and focus on a foreign policy that is more constructive. I look forward to working with my colleagues and the next President to make this happen.

AMERICA'S FOSTER CARE CHILDREN

Mr. NELSON of Nebraska. Mr. President, I rise today, during National Foster Care Month, to speak for the more than a half million children living in foster care across the United States who are waiting for a loving family to adopt them.

I encourage potential parents throughout our country to open their hearts, their lives and their homes to these vulnerable children and provide them with the safe, permanent families that all children deserve. As an adoptive parent myself, I know first-hand the joy and fulfillment adoption can bring to a family, and I cannot think of a more perfect gift to give a child than the love, nurturing, and protection they need to grow.

A sense of stability is critical to the development of children. Yet, young children in foster care never know how long they will stay in one place or where they will be sent off to next, resulting in a frightening lack of consistency and security.

I recently had the chance to meet with Aaron Weaver, a young man from Nebraska, who shared with me some of his experiences in the foster care system: ''Growing up in foster care, a tattered yellow vinyl suitcase always accompanied me, as I switched families, rules and routines,'' he said. I hated that suitcase. It was a constant reminder of how unstable my life was, and how every day was uncertain.

Fortunately, after 6 years in Nebraska's foster care system, Aaron was finally adopted. Adoption for him meant a family who gave him unconditional love. Adoption meant the end of packing his suitcase, wondering where he would be placed next. Adoption gave him, for the first time, the freedom and confidence to think about his future not in terms of where he would be sleeping next month, but in terms of what his goals were and where he wanted to go in life.

In 2005, just 10 percent of Nebraska's foster care children were lucky enough to be adopted into new families like Aaron's, leaving nearly a thousand more waiting eagerly for adoptive homes. Unfortunately, any chance of these children being placed with adoptive parents becomes worse the longer they remain in foster care. In fact, when a child reaches the 8- to 9-year age range, the probability that child will continue to wait in foster care exceeds the probability that he or she will be adopted; and the number of children in this older age group is growing.

The Adoption Incentive Program, a Federal program first enacted into law as part of the Adoption and Safe Families Act of 1997, is up for reauthorization this year. This important program encourages State governments to find permanent homes for foster children through adoption by rewarding those States which have increased their number of placements. Additionally, the program provides special incentives to focus on finding homes for older foster children and those with special needs. I am proud to report that, through this program, my home State of Nebraska was awarded $1,392,000 between 2000 and 2006 for finding adoptive families for 2,483 children, money which will be reinvested to make this number even greater.

I believe we have a responsibility to help foster children in Nebraska and across the Nation join loving, permanent adoptive families such as Aaron's. I hope all of you agree and will join me in my commitment to improving America's foster care system.

Mr. BUNNING. Mr. President, today I wish to recognize May as National Foster Care Month. I salute the thousands of families in Kentucky and throughout the country who serve as foster parents, along with those who expand their families by adopting a child from the foster care system. Unfortunately, not every child finds a home. In 2005, more than 24,000 foster children reached their 18th birthdays without being adopted. As these young adults aged out of the foster care program, they faced many of life's challenges without the family support and encouragement that many of us take for granted. With over a half million children currently in our Nation's foster care system, it is imperative that we do all that we can to ensure that they

are able to join the families they so desperately need and deserve.

From my home State of Kentucky, Chris Brown is a testament to the importance of adoption. Chris entered foster care at the age of 11, after the death of his mother. He spent more than 2 years in foster care before being adopted. At the age of 13, Chris was adopted by his Big Brothers, Big Sisters mentor, Dave Brown. Chris thrived in his adoptive home, and was presented with opportunities he would not have had otherwise. Through the support of his adopted family, he was able to attend Northern Kentucky University, where he majored in psychology. Now married and with a family of his own, Chris has dedicated his career to social work, using his talents and skills to give back to the community. Chris's story demonstrates how an investment in just one child can pay off for an entire community.

The care provided by foster homes and foster families is of great value. Raising awareness about the number of foster children in America, and making it easier for families to adopt is crucial to guaranteeing that America's foster children have the resources and support they need to succeed. Chris Brown is an excellent example of how a child can thrive and develop in a loving family. National Foster Care Month reminds us of our obligation to America's youth. I commend all those who love and accept into their homes those children needing a home.

Mr. SMITH. Mr. President, I rise in observance of National Foster Care Month. Throughout our Nation, so many families provide loving and caring homes for children who have suffered from abuse and neglect. This month is an important reminder to thank the families who welcome these children into their homes, as well as the State and local officials, social workers, health care workers, and others in our communities who look for signs of abuse and take action to ensure it stops.

Social workers, in particular, have numerous demands placed on them in their efforts to ensure appropriate care of abused and neglected children, those with disabilities and our vulnerable elderly. To help these workers in their important jobs, I recently introduced the Dorothy I. Height and Whitney M. Young Jr. Social Reinvestment Act with Senator MIKULSKI. I look forward to swift passage of this bill so that we can better support our Nation's social workers.

I also want to thank those who help parents who may have a substance abuse problem or who suffer from mental illness. These important professionals help so many parents to overcome their illnesses, which can be a barrier in providing safe and stable homes for their children.

Our justice systems, including our judges, attorneys and local law enforcement, who work every day to ensure the safety of our children, also deserve our recognition this month. So many of them take the extra time in their overburdened caseloads to ensure they are doing the right thing for the future of each abused and neglected child. In fact, in my home State of Oregon, Judge Pamela Abernethy runs a program in her courtroom that engages mental health professionals, law enforcement officials, child development specialists and others in a team approach that has produced great outcomes for children and their parents. Her work helps to stop the cycle of abuse that we see too often in families. I look forward to continuing to work with Senator HARKIN to pass our bill, the Safe Babies Act, which will work to replicate successful programs like Judge Abernethy's across the Nation.

However, we know that often children may not be able to return to their birth families. In America we are lucky that many families, including my own, have a great love in their heart for children and are looking to adopt.

Oregonians Tim and Sari Gale, for example, originally were very interested in adopting an infant. However, as they continued to look into adoption, they could not get the images out of their minds of the older children they saw in the brochures. ''We started to ask ourselves why we would adopt an infant, when so many children were in need of parents,'' said Shari. ''It started making more and more sense for us to adopt an older child.''

Soon, Andrew became a member of the family. ''It has been heart-warming and amazing to watch the gradual process whereby this frightened little boy learned to love and to trust,'' observed a family friend. ''Andrew has blossomed under the Gales' loving care.'' Watching Andrew interact with peers at high school events or serving as a counselor for other children at summer riding camp, one would never guess this likeable and polite young man had spent his early years as an abused and neglected child. The Gales truly are a testament to the healing power of a loving family.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, encourages States to find foster children permanent homes through adoption. The Adoption Incentive Program is due to expire on September 30. Congress must reauthorize this act so that it can continue to serve as a vitally important incentive to States for finalizing adoptions for children in foster care, with an emphasis on finding adoptive homes for special-needs children and foster children over age 9. I am proud of Oregon's success in finalizing more than 12,700 adoptions of children from foster care between 2000 and 2006. This has resulted in Oregon receiving $3.1 million in Federal adoption incentive payments, which are invested back into the child welfare program.

In 2005, roughly 2,065 children from Oregon's foster care system were adopted—but nearly 3,500 foster children in Oregon were still waiting for adoptive families, and they waited an average of about 2½ years to join a new family. These vulnerable children have waited long enough.

Again, it is important that we thank foster care and adoptive families in our Nation, as well as frontline workers who protect our children, for the wonderful work that they do and love that they share.

EXPORT CONTROL SYSTEM

Mr. AKAKA. Mr. President, I wish today to discuss the U.S. export control system bureaucracy and its impact on our national interests.

Recently I chaired a hearing of the Oversight of Government Management Subcommittee of the Senate Homeland Security and Governmental Affairs Committee entitled ''Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests.'' Some of the issues explored in the hearing were: revising the multilateral coordination and enforcement aspects of export controls; addressing weaknesses in the interagency process for coordinating and approving licenses; reviewing alternative bureaucratic structures or processes to eliminate exploitable seams in our export control system; and ensuring that there are enough qualified licensing officers to review efficiently license applications.

Witnesses from the State Department's Bureau of Political-Military Affairs, the Commerce Department's Bureau of Industry and Security, and the Department of Defense's Defense Technology Security Administration responded to almost a decade's worth of analysis, recommendations, reports, and testimony from the Government Accountability Office, GAO. The GAO witness on the panel identified numerous instances of inefficiency and ineffectiveness in the U.S. export control system, including poor strategic management, insufficient interagency coordination, shortages of manpower, short-term fixes for long-term problems, and inadequate information systems.

Although the agency witnesses acknowledged their progress in addressing these shortcomings, they also articulated a deeper need for greater reform in response to the challenges of globalization in the 21st century. I would go one step further then the administration witnesses. The U.S. export control system is a relic of the Cold War and does not effectively meet our national and economic security needs.

Recent examples demonstrate the challenges of controlling sensitive exports. Dual-use technology has been diverted through Britain and the United Arab Emirates, UAE, to Iran. A recent attempt by two men to smuggle sensitive thermal imaging equipment to China shows that Iran is not alone in

its desire for sensitive technology. However, the effort to control the flow of dual-use technology goes beyond our borders. Working with the international community is critical as technologies which were once only produced in the U.S. are now being produced elsewhere.

The second group of witnesses, representing many decades of government and private sector experience with export controls, identified recommendations that could begin to modernize this system: eliminating the distinction between weapons and dual-use technology; reducing the total number of items on control lists; implementing project licenses that cover a multitude of items instead of relying on an item-by-item licensing process; passing an updated Export Administration Act; focusing on multilateral export controls and harmonizing them with our allies; and reestablishing high-level policy management of both dual-use and munitions exports at the White House. Mr. President, I would like to ask to have printed in the RECORD, following my remarks, a CRS memorandum providing an excellent overview of U.S export controls.

An opportunity to revise our ineffective and inefficient export control system will accompany the arrival of the new administration in January. I urge my colleagues to consider these recommendations for improving the management and bureaucracy of the export control system as the Congress debates and updates relevant legislation.

Mr. President, I ask unanimous consent to have the two CRS memoranda to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 21, 2008.

MEMORANDUM

Re: Background for Hearing on U.S. Export Controls.

To: Senate Homeland Security and Government Affairs Committee; Subcommittee on Oversight of Government Management; the Federal Workforce; and the District of Columbia.

From: Ian F. Fergusson, Specialist in International Trade and Finance; Richard F. Grimmett, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division.

This memorandum responds to your request for background information in support of your upcoming hearing on the U.S. export control system. The memo discusses the legislative authority, structure, and function of U.S. dual-use and defense export controls. It also discusses current issues related to the administration of those controls. If you have any questions concerning the material in this memorandum, please contact Ian Fergusson at 7–4997 or Richard Grimmett at 7–7675.

OVERVIEW OF THE U.S. EXPORT CONTROL SYSTEM

The United States restricts the export of defense items or munitions, so-called ''dual-use'' goods and technology, certain nuclear materials and technology, and items that would assist in the proliferation of nuclear, chemical and biological weapons or the missile technology to deliver them. Defense items are defined by regulation as those ''specifically designed, developed, or configured, adapted, or modified for a military application, has neither predominant civilian application nor performance equivalent to an item used for civilian application, or has significant military or intelligence application ''such that control is necessary.'' Dual-use goods are commodities, software, or technologies that have both civilian and military applications.

U.S. export controls are also utilized to restrict exports to certain countries in which the United States imposes economic sanctions. Through the Export Administration Act (EAA), the Arms Export Control Act (AECA), and other authorities, Congress has delegated to the executive branch its express constitutional authority to regulate foreign commerce by controlling exports. In its administration of this authority, the executive branch has created a diffuse system by which exports are controlled by differing agencies under different regulations. This section describes the characteristics of the dual-use, munitions, and nuclear controls. The information contained in the section also appears in chart form in Appendix 1.

Various aspects of this system have long been criticized by exporters, non-proliferation advocates and other stakeholders as being too rigorous, insufficiently rigorous, lax, cumbersome, too stringent, or any combination of these descriptions. In January 2007, the Government Accountability Office (GAO) designated government programs designed to protect critical technologies, including the U.S. export control system, as a 'high-risk area' ''that warrants a strategic re-examination of existing programs to identify needed changes.'' The report cited poor coordination among export control agencies, disagreements over commodity jurisdiction between State and Commerce, unnecessary delays and inefficiencies in the license application process, and a lack of systematic evaluative mechanisms to determine the effectiveness of export controls.

THE DUAL-USE SYSTEM

The Export Administration Act (EAA). The EAA of 1979 (P.L. 96–72) is the underlying statutory authority for dual-use export controls. The EAA, which is currently expired, periodically has been reauthorized for short periods of time. The last incremental extension expired in August 2001. At other times and currently, the export licensing system created under the authority of EAA has been continued by the invocation of the International Emergency Economic Powers Act (IEEPA) (P.L. 95–223). EAA confers upon the President the power to control exports for national security, foreign policy or short supply purposes. It also authorizes the President to establish export licensing mechanisms for items detailed on the Commerce Control List (see below), and it provides some guidance and places certain limits on that authority.

Several attempts to rewrite or reauthorize the EAA have occurred over the years. The last comprehensive effort took place during the 107th Congress. The Senate adopted legislation, S. 149, in September 2001, and a competing House version, H.R. 2581, was developed by the then House International Relations Committee, and the House Armed Services Committee. The full House did not act on this legislation. More modest attempts to update the penalty structure and enforcement mechanisms in context of renewing the 1979 Act for a period of 5 years has been introduced in the 110th Congress as the Export Enforcement Act of 2007 (S. 2000).

The EAA, which was written and amended during the Cold War, was based on strategic relationships, threats to U.S. national security, international business practices, and commercial technologies many of which have changed dramatically in the last 25 years. Some Members of Congress and most U.S. business representatives see a need to liberalize U.S. export regulations to allow American companies to engage more fully in international competition for sales of high-technology goods. Other Members and some national security analysts contend that liberalization of export controls over the last decade has contributed to foreign threats to U.S. national security, that some controls should be tightened, and that Congress should weigh further liberalization carefully.

Administration. The Bureau of Industry and Security in the Department of Commerce administers the dual-use export control system. The export licensing and enforcement functions that now form the agency mission of BIS were detached from the International Trade Administration in 1980 in order to separate it from the export promotion functions of the Department of Commerce. In FY2006, BIS processed 18,941 licenses with a value of approximately $36 billion. During the same fiscal year, BIS approved 15,982 applications, denied 189, and returned 2,763 (usually because a license was not necessary), for an approval rate of 98.8%, disregarding the returned licenses. BIS was appropriated $72.9 million in FY2008 with budget authority for 365 positions. The President's FY2009 request for BIS is $83.7 million, a 14.8% increase from FY2008, with budget authority for 396 positions. In addition to its export licensing and enforcement functions, BIS also enforces U.S. anti-boycott regulations concerning the Arab League boycott against Israel.

Implementing Regulations. The EAA is implemented by the Export Administration Regulations (EAR) (15 CFR 730 et seq). As noted above, the EAR is continued under the authority of the International Economic Emergency Powers Act (IEEPA) in times when the EAA is expired. The EAR sets forth licensing policy for goods and destinations, the applications process used by exporters, and the Commerce Control List (CCL). The CCL is the list of specific goods, technology, and software that are controlled by the EAR. The CCL is composed of ten categories of items: Nuclear materials, facilities, and equipment; materials, organisms, microorganisms, and toxins; materials processing; electronics; computers; telecommunications and information security; lasers and sensors; navigation and avionics; marine; and propulsion systems, space vehicles, and related equipment. Each of these categories is further divided into functional groups: Equipment, assemblies, and components; test, inspection, and production equipment; materials; software; and technology. Each controlled item has an export control classification number (ECCN) based on the above categories and functional group. Each ECCN is accompanied by a description of the item and the reason for control. In addition to discrete items on the CCL, nearly all U.S. origin commodities are ''subject to the EAR.'' This means that any product ''subject to the EAR'' may be restricted to a destination based on the end-use or end-user of the product. For example, a commodity that is not on the CCL may be denied if the good is destined for a military end-use, or to an entity known to be engaged in proliferation.

Licensing Policy. The EAR sets out the licensing policy for dual-use commodities. Items are controlled for reasons of national security, foreign policy, or short-supply. National security controls are based on a common multilateral control list, however the

countries to which we apply those controls are based on U.S. policy. Foreign Policy controls may be unilateral or multilateral in nature. Items are controlled unilaterally for anti-terrorism, regional stability, or crime control purposes. Anti-terrorism controls proscribe nearly all exports to the 5 state sponsors of terrorism. Foreign policy-based controls are also based on adherence to multilateral non-proliferation control regimes such the Nuclear Suppliers' Group, the Australia Group (chemical and biological precursors), and the Missile Technology Control Regime.

The EAR sets out timelines for the consideration of dual-use licenses and the process for resolving interagency disputes. Within 9 days from receipt, Commerce must refer the license to other agencies (State, Defense, or NRC as appropriate), grant the license, deny it, seek additional information, or return it. If the license is referred to other agencies, the agency to which it is referred must recommend the application be approved or denied within thirty days. The EAR provides a dispute resolution process for a dissenting agency to appeal an adverse decision. The interagency dispute resolution process is designed to be completed within 90 days. This process is depicted graphically in Appendix 2.

Enforcement and Penalties. Because of the expiration of the EAA, current penalties for export control violations are based on those contained in the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.). For criminal penalties, IEEPA sanctions individuals up to $1 million or up to 20 years imprisonment, or both, per violation [50 U.S.C. 1705(b)]. Civil penalties under IEEPA are set at $250,000 per violation. IEEPA penalties were recently raised to the current levels by the International Emergency Economic Powers Enhancement Act (P.L. 110–96), which was signed by President Bush on October 16, 2007.

Enforcement is carried out by the Office of Export Enforcement (OEE) at BIS. OEE has a staff of approximately 164 in Washington and eight domestic field offices. OEE is authorized to carry out investigations domestically and works with Department of Homeland Security (DHS) to conduct investigations overseas. OEE also conducts pre-license and post-shipment verification along with in-country U.S. embassy officials overseas.

The Export Enforcement Act of 2007. One of the persistent concerns about the administration of the dual-use system is that it operates under the emergency authority of the International Economic Emergency Powers Act (IEEPA), the underlying EAA having last expired in 2001. On August 3, 2007, the administration-supported Export Enforcement Act of 2007 (S. 2000) was introduced by Senator Dodd. The draft bill would reauthorize the Export Administration Act for five years and amend the penalty and enforcement provisions of the Act. The proposed legislation would revise the penalty structure and increase penalties for export control violations. The bill would raise criminal penalties for individuals up to $1 million and raise the term of potential imprisonment to ten years for each violation. For firms, it would raise penalties to the greater of $5 million or 10 times the value of the export. Under the 1979 FAA, the base penalty was the greater of $50,000 or 5 times the value of the export, or five years imprisonment. It would expand the list of statutory violations that could result in a denial of export privileges, and it extends the term of such denial from not more than 10 years to not more than 25 years.

The enforcement provisions of the Administration proposal would expand the authority of the Department of Commerce to investigate potential violations of EAA overseas. It provides for enforcement authority at other places at home and abroad with the concurrence of the Department of Homeland Security. The proposed draft legislation would restate the enforcement provisions of the EAA to account for the current structure of Customs and Border Security and the Immigration and Customs Enforcement in the Department of Homeland Security. It would also direct the Secretary of Commerce to publish and update best practices guidelines for effective export control compliance programs. It also would expand the confidentiality provisions beyond licenses and licensing activity to include classification requests, enforcement activities, or information obtained or supplied concerning U.S. multilateral commitments. The bill included new language governing the use of funds for undercover investigations and operations and establishes audit and reporting requirements for such investigations. It also authorized wiretaps in enforcement of the act.

Some in the industry community have criticized the legislation for focusing on penalties and enforcement without addressing business concerns such as streamlining the license process. While the Administration favors the 5 year renewal period of the current EAA as a period in which a new export control system may be devised, the length of the extension may also serve to take the pressure off such reform efforts.

MILITARY EXPORT CONTROLS

Arms Export Control Act of 1976 (AECA). The AECA provides the statutory authority for the control of defense articles and services. It sets out foreign and national policy objectives for international defense cooperation and military export controls. Section 3(a) of the Arms Export Control Act (AECA) sets forth the general criteria for countries or international organizations to be eligible to receive United States defense articles and defense services provided under the act. It also sets express conditions on the uses to which these defense items maybe put. Section 4 of the Arms Export Control Act states that U.S. defense articles and defense services shall be sold to friendly countries ''solely'' for use in ''internal security,'' for use in ''legitimate self-defense,'' to enable the recipient to participate in ''regional or collective arrangements or measures consistent with the Charter of the United Nations,'' to enable the recipient to participate in ''collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security,'' and to enable the foreign military forces ''in less developed countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries.'' The AECA also contains the statutory authority for the Foreign Military Sales program, under which the U.S. government sells U.S. defense equipment, services, and training on a government-to-government basis.

Licensing Policy. The International Traffic in Arms Regulations (ITAR) sets out licensing policy for exports (and some temporary imports) of U.S. Munitions List (USML) items. A license is required for the export of nearly all items on the USML. Canada has a limited exemption as it is considered part of the U.S. defense industrial base. In addition, the United States has recently signed treaties with the United Kingdom and Australia to exempt certain defense articles from licensing obligations to approved end-users in those countries. These treaties must be ratified by the Senate. Unlike some Commerce controls, licensing requirements are based on the nature of the article and not the end-use or end-user of the item. The United States prohibits munitions exports to countries either unilaterally or based on adherence to United Nations arms embargoes. In addition, any firm engaged in manufacturing, exporting, or brokering any item on the USML must register with DDTC and pay a yearly fee, currently $1,750, whether it seeks to export or not during the year.

Congressional Requirements. A prominent feature of the AECA is the requirement of congressional consideration of foreign arms sales proposed by the President. This procedure includes consideration of proposals to sell major defense equipment, defense articles and services, or the re-transfer to other nations of such military items. The procedure is triggered by a formal report to Congress under Sections 36 of the Arms Export Control Act (AECA). In general, the executive branch, after complying with the terms of applicable section of U.S. law, usually those contained in the Arms Export Control Act, is free to proceed with an arms sales proposal unless Congress passes legislation prohibiting or modifying the proposed sale.

The traditional sequence of events for the congressional review of an arms sale proposal has been the submission by the Defense Department (on behalf of the President) of a preliminary or ''informal'' classified notification of a prospective major arms sale 20 calendar-days before the executive branch takes further formal action. This ''informal'' notification is submitted to the Speaker of the House (who traditionally has referred it to the House Foreign Affairs Committee), and to the Chairman of the Senate Foreign Relations Committee. This practice stems from a February 18, 1976, letter of the Defense Department making a nonstatutory commitment to give Congress these preliminary classified notifications. It has been the practice for such ''informal'' notifications to be made for arms sales cases that would have to be formally notified to Congress under the provisions of Section 36(b) of the Arms Export Control Act (AECA). These ''informal'' notifications always precede the submission of the required statutory notifications, but the time period between the submission of the ''informal'' notification and the statutory notification is not fixed. It is determined by the President. He has the obligation under the law to submit the arms sale proposal to Congress, but only after he has determined that he is prepared to proceed with any such notifiable arms sales transaction.

Under Section 36(b) of the Arms Export Control Act, Congress must be formally notified 30 calendar-days before the Administration can take the final steps to conclude a government-to-government foreign military sale of major defense equipment valued at $14 million or more, defense articles or services valued at $50 million or more, or design and construction services valued at $200 million or more. In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with the sale. However, the prior notice thresholds are higher for NATO members, Australia, Japan or New Zealand. These higher thresholds are: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of defense articles and defense services; and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations.

Commercially licensed arms sales also must be formally notified to Congress 30 calendar-days before the export license is issued if they involve the sale of major defense

equipment valued at $14 million or more, or defense articles or services valued at $50 million or more (Section 36(c) AECA). In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with such a sale. However, the prior notice thresholds are higher for sales to NATO members, Australia, Japan or New Zealand specifically: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of defense articles and defense services, and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations. It has not been the general practice for the Administration to provide a 20–day ''informal'' notification to Congress of arms sales proposals that would be made through the granting of commercial licenses.

A congressional recess or adjournment does not stop the 30 calendar-day statutory review period. It should be emphasized that after Congress receives a statutory notification required under Sections 36(b) or 36(c) of the Arms Export Control Act, for example, and 30 calendar-days elapse without Congress having blocked the sale, the executive branch is free to proceed with the sales process. This fact does not mean necessarily that the executive branch and the prospective arms purchaser will sign a sales contract and that the items will be transferred on the 31st day after the statutory notification of the proposal has been made. It would, however, be legal to do so at that time.

Administration. Exports of defense goods and services are administered by the Directorate of Defense Trade Controls (DDTC) at the Department of State. DDTC is a component of the Bureau of Political-Military Affairs and consists of four offices: Management, Policy, Licensing, and Compliance. In FY2008, DDTC was funded at a level of $12.7 million and had a staff of 78 ($6.6 million for licensing activities, 44 licensing officers). In the 12 months ending March 2008, DDTC completed action on 83,886 export license applications, and its FY2009 budget request reported that license application volumes have increased by 8% a year. DDTC's FY2009 budget request, however, did not ask for additional staffing and its budget request called for an increase of $0.4 million to $13.1 million ($6.9 million for licensing activities). On March 24, 2008, 19 Members of Congress wrote to the Chairwoman and Ranking Member of the House State and Foreign Operations Appropriations Subcommittee to request a funding level of $26 million, including $8 million collected yearly from registration fees. Senator Biden, in his Foreign Relations Views and Estimates letter to the Senate Budget Committee also described DDTC as ''seriously understaffed'' and suggested ''a doubling of that figure ($6.9 million for licensing) is warranted.

Critics of the defense trade system have long decried the delays and backlogs in processing license applications at DDTC. The new National Security Presidential Directive (NSPD–56), signed by President Bush on January 22, 2008, directed that the review and adjudication of defense trade licenses submitted under ITAR are to be completed within 60 days, except where certain national security exemptions apply. Previously, except for the Congressional notification procedures discussed above, DDTC had no defined time-line for the application process. DDTC's backlog of open cases, which had reached 10,000 by the end of 2006, has been reduced to 3,458 by March 2008. During this period, average processing time of munitions license applications have also trended downward from 33 days to 15 days. However, GAO reported in November 2007 that DDTC was using ''extraordinary measures—such as extending work hours, canceling staff training, meeting, and industry outreach, and pulling available staff from other duties in order to process cases'' to reduce the license backlog, measures that it described as unsustainable.

Enforcement and Penalties. The AECA provides for criminal penalties of $1 million or ten years for each violation, or both. AECA also authorizes civil penalties of up to $500,000 and debarment from future exports. DDTC has a small enforcement staff (18 in the Office of Defense Trade Compliance) and works with the Defense Security Service and the Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) units at the Department of Homeland Security (DHS). DDTC assists the DHS and the Department of Justice in pursuing criminal investigations and prosecutions. DDTC also coordinates the Blue Lantern end-use monitoring program, in which U.S. embassy officials in-country conduct pre-license checks and post-shipment verifications. In FY2006, DDTC completed 489 end-use cases, 94 (19%) of which were determined to be unfavorable.

Nuclear

A subset of the abovementioned dual-use and military controls are controls on nuclear items and technology. Controls on nuclear goods and technology are derived from the Atomic Energy Act as well as from the EAA and the AECA. Controls on nuclear exports are divided between several agencies based on the product or service being exported. The Nuclear Regulatory Commission regulates exports of nuclear facilities and material, including core reactors. The NRC licensing policy and control list is located at 10 C.F.R. 110. BIS licenses ''outside the core'' civilian power plant equipment and maintains the Nuclear Referral List as part of the CCL. The Department of Energy controls the export of nuclear technology. DDTC exercises licensing authority over nuclear items in defense articles under the ITAR.

Defense Technology Security Administration (DTSA)

DTSA is located in the Department of Defense, Office of the Under Secretary of Defense for Policy under the Assistant Secretary of Defense for Global Security Affairs. DTSA coordinates the technical and national security review of direct commercial sales export licenses and commodity jurisdiction requests received from the Departments of Commerce and State. It develops the recommendation of the DOD on these referred export licenses or commodity jurisdictions based on input provided by the various DOD departments and agencies and represents DOD in the interagency dispute resolution process. In calendar year 2007, DTSA completed 41,689 license referrals. Not all licenses from DDTC or BIS are referred to DTSA; memorandums of understanding govern the types of licenses referred from each agency. DTSA coordinates the DOD position with regard to proposed changes to the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR). It also represents the DOD in interagency fora responsible for compliance with multinational export control regimes. For FY2008, DTSA had a staff of 187 civilian and active duty military employees and received funding of $23.3 million.

APPENDIX 1: BASIC EXPORT CONTROL CHARACTERISTICS

Characteristic	Dual-Use	Munitions	Nuclear
Legislative Authority	Export Administration Act (EAA) of 1979 (expired); International Emergency Economic Powers Act of 1977 (IEEPA).	Arms Export Control Act of 1976 (AECA)	Atomic Energy Act of 1954.
Agency of Jurisdiction	Bureau of Industry and Security (BIS) (Commerce)	Directorate of Defense Trade Controls (DDTC) (State)	Nuclear Regulatory Commission (NRC) (facilities and material); Department of Energy (DOE) (technology); BIS ('outside the core' civilian power plant equipment); DDTC (nuclear items in defense articles).
Implementing Regulations	Export Administration Regulations (EAR)	International Traffic in arms Regulations (ITAR)	10 C.F.R. 110—Export and Import of Nuclear Material and Equipment (NRC); 10 C.F.R. 810—Assistance to Foreign Atomic energy Activities (DOE).
Control List	Commerce Control List (CCL)	Munitions List (USML)	List of Nuclear Facilities and Equipment; List of Nuclear Materials (NRC); Nuclear Referral List (CCL); USML; Activities Requiring Specific Authorization (DOE).
Relation to Multilateral Controls.	Wassenaar Arrangement (Dual-Use); Missile Technology Control Regime (MTCR); Australia Group (CBW); Nuclear Suppliers' Group.	Wassennaar Arrangement (munitions); MTCR	Nuclear Suppliers' Group; International Atomic Energy Agency.
Licensing Policy	Based on item, country, or both. Anti-terrorism controls proscribe exports to 5 countries for nearly all CCL listings.	Most Munitions; License items require licenses; 21 proscribed countries.	General/Specific Licenses (NRC); General/Specific Authorizations (DOE).
Licensing Application Timeline.	initial referral within 9 days; agency must approve/deny within 30 days; 90 appeal process. (See Appendix 2).	60 days with national security exceptions; Congressional notification period for significant military equipment.	No timeframe for license applications.

APPENDIX 1: BASIC EXPORT CONTROL CHARACTERISTICS—Continued

Characteristic	Dual-Use	Munitions	Nuclear
Penalties	Criminal: $1 million or 20 years; Civil: $250,000/Denial of export privileges. (IEEPA).	Criminal: $1 million/10 years prison; Civil: $500,000/ forfeiture of goods, conveyance; Denial of Export Privileges for either.	Criminal: Individual—$250,000/12 years to life; Firm—$500,000 (For NRC and DOE); Civil: $100,000 per violation (For NRC).

CONGRESSIONAL RESEARCH SERVICE;
Washington, DC, April 21, 2008.

MEMORANDUM

Re: United Arab Emirates: Political Background and Export Control Issues.

To: Senate Homeland Security and Government Affairs Committee; Subcommittee on Oversight of Government Management; the Federal Workforce, and the District of Columbia.

From: Kenneth Katzman; Specialist in Middle Eastern Affairs; Ian F. Fergusson; Specialist in International Trade and Finance Foreign Affairs, Defense, and Trade Division.

This memorandum responds to your request for background on the United Arab Emirates and concerns about that country's export control law and practices. If you have any requests concerning this material, please contact Kenneth Katzman (7–7612) or Ian Fergusson (7–4997).

POLITICAL AND ECONOMIC BACKGROUND

The UAE is a federation of seven emirates (principalities): Abu Dhabi, the oil-rich capital of the federation; Dubai, its free-trading commercial hub; and the five smaller and less wealthy emirates of Sharjah; Ajman; Fujayrah; Umm al-Qawayn; and Ras al-Khaymah. The UAE federation is led by the ruler of Abu Dhabi, Khalifa bin Zayid al-Nuhayyan, now about 60 years old. The ruler of Dubai traditionally serves concurrently as Vice President and Prime Minister of the UAE; that position has been held by Mohammad bin Rashid Al Maktum, architect of Dubai's modernization drive, since the death of his elder brother Maktum bin Rashid Al Maktum on January 5, 2006.

In part because of its small size—its population is about 4.4 million, of which only about 900,000 are citizens—the UAE is one of the wealthiest of the Gulf states, with a gross domestic product (GDP) per capita of about $55,000 per year in terms of purchasing power parity. Islamist movements in UAE, including those linked to the Muslim Brotherhood, are generally non-violent and perform social and relief work. However, the UAE is surrounded by several powers that dwarf it in size and strategic capabilities, including Iran, Iraq, and Saudi Arabia, which has a close relationship with the UAE but views itself as the leader of the Gulf monarchies.

The UAE has long lagged behind the other Persian Gulf states in political reform, but the federation, and several individual emirates, have begun to move forward. The most significant reform, to date, took place in December 2006, when limited elections were held for half of the 40–seat Federal National Council (FNC); the other 20 seats continue to be appointed. Previously, all 40 members of the FNC were appointed by all seven emirates, weighted in favor of Abu Dhabi and Dubai (eight seats each). UAE citizens are able to express their concerns directly to the leadership through traditional consultative mechanisms, such as the open majlis (council) held by many UAE leaders.

The UAE's social problems are likely a result of its open economy, particularly in Dubai. The Trafficking in Persons report for 2007 again placed the UAE on ''Tier 2/Watch List'' (up from Tier 3 in 2005) because it does not comply with the minimum standards for the elimination of trafficking but is making significant efforts to do so. The UAE is considered a ''destination country'' for women trafficked from Asia and the former Soviet Union.

Defense Relations With the United States and Concerns About Iran. Following the 1991 Gulf war to oust Iraqi forces from Kuwait, the UAE, whose armed forces number about 61,000, determined that it wanted a closer relationship with the United States, in part to deter and to counter Iranian naval power. UAE fears escalated in April 1992, when Iran asserted complete control of the largely uninhabited Persian Gulf island of Abu Musa, which it and the UAE shared under a 1971 bilateral agreement. (In 1971, Iran, then ruled by the U.S.-backed Shah, seized two other islands, Greater and Lesser Tunb, from the emirate of Ras al-Khaymah, as well as part of Abu Musa from the emirate of Sharjah.) The UAE wants to refer the dispute to the International Court of Justice (ICJ), but Iran insists on resolving the issue bilaterally. The United States is concerned about Iran's military control over the islands and supports UAE proposals, but the United States takes no position on sovereignty of the islands. The UAE, particularly Abu Dhabi, has long feared that the large Iranian-origin community in Dubai emirate (est. 400,000 persons) could pose a ''fifth column'' threat to UAE stability. Illustrating the UAE's attempts to avoid antagonizing Iran, in May 2007, Iranian President Mahmoud Ahmadinejad was permitted to hold a rally for Iranian expatriates in Dubai when he made the first high level visit to UAE since UAE independence in 1971.

The framework for U.S.-UAE defense cooperation is a July 25, 1994, bilateral defense pact, the text of which is classified, including a ''status of forces agreement'' (SOFA). Under the pact, during the years of U.S. ''containment'' of Iraq (1991–2003), the UAE allowed U.S. equipment pre-positioning and U.S. warship visits at its large Jebel Ali port, capable of handling aircraft carriers, and it permitted the upgrading of airfields in the UAE that were used for U.S. combat support flights, during Operation Iraqi Freedom (OIF). About 1,800 U.S. forces, mostly Air Force, are in UAE; they use Al Dhafra air base (mostly KC–10 refueling) and naval facilities at Fujairah to support U.S. operations in Iraq and Afghanistan.

The UAE, a member of the World Trade Organization (WTO), has developed a free market economy. On November 15, 2004, the Administration notified Congress it had begun negotiating a free trade agreement (FTA) with the UAE. Several rounds of talks were held prior to the June 2007 expiration of Administration ''trade promotion authority,'' but progress had been halting, mainly because UAE may feel it does not need the FTA enough to warrant making major labor and other reforms. Despite diversification, oil exports still account for one-third of the UAE's federal budget. Abu Dhabi has 80% of the federation's proven oil reserves of about 100 billion barrels, enough for over 100 years of exports at the current production rate of 2.2 million barrels per day (mbd). Of that amount, about 2.1 mbd are exported, but negligible amounts go to the United States. The UAE does not have ample supplies of natural gas, and it has entered into a deal with neighboring gas exporter Qatar to construct pipeline that will bring Qatari gas to UAE (Dolphin project). UAE is also taking a leading role among the Gulf states in pressing consideration of alternative energies, including nuclear energy, to maintain Gulf energy dominance.

EXPORT CONTROL ISSUES

Cooperation Against Terrorism. The relatively open society of the UAE—along with UAE policy to engage rather than confront its powerful neighbors—has also caused differences with the United States on the presence of terrorists and their financial networks. However, the UAE has been consistently credited by U.S. officials with attempting to rectify problems identified by the United States.

The UAE was one of only three countries (Pakistan and Saudi Arabia were the others) to have recognized the Taliban during 1996–2001 as the government of Afghanistan. During Taliban rule, the UAE allowed Ariana Afghan airlines to operate direct service, and Al Qaeda activists reportedly spent time there. Two of the September 11 hijackers were UAE nationals, and they reportedly used UAE-based financial networks in the plot. Since then, the UAE has been credited in U.S. reports (State Department ''Country Reports on Terrorism: 2006, released April 30, 2007'') and statements with: assisting in the 2002 arrest of senior Al Qaeda operative in the Gulf, Abd al-Rahim al-Nashiri; denouncing terror attacks; improving border security; prescribing guidance for Friday prayer leaders; investigating suspect financial transactions; and strengthening its bureaucracy and legal framework to combat terrorism. In December 2004, the United States and Dubai signed a Container Security Initiative Statement of Principles, aimed at screening U.S.-bound containerized cargo transiting Dubai ports. Under the agreement, U.S. Customs officers are co-located with the Dubai Customs Intelligence Unit at Port Rashid in Dubai. On a ''spot check'' basis, containers are screened at that and other UAE ports for weaponry, explosives, and other illicit cargo.

The UAE has long been under scrutiny as a transhipment point for exports to Iran and other proliferators. In connection with revelations of illicit sales of nuclear technology to Iran, Libya, and North Korea by Pakistan's nuclear scientist A.Q. Khan, Dubai was named as a key transfer point for Khan's shipments of nuclear components. Two Dubai-based companies were apparently involved in trans-shipping components: SMB Computers and Gulf Technical Industries. On April 7, 2004, the Administration sanctioned a UAE firm, Elmstone Service and Trading (FZE), for allegedly selling weapons of mass destruction- related technology to Iran, under the Iran-Syria Non-Proliferation Act (P.L. 106–178). More recently, in June 2006, the Bureau of Industry and Security (BIS) released a general order imposing a license requirement on Mayrow General Trading Company and related enterprises in the UAE. This was done after Mayrow was implicated in the transhipment of electronic components and devices capable of being used to construct improvised explosive devices (IED) used in Iraq and Afghanistan.

Current Controls. The UAE is not subject to any blanket prohibitions regarding dual-use Commerce exports. In general, the UAE faces many of the same license requirements

as other non-NATO countries. In the Export Administration Regulations (15 CFR 730 et seq.), the UAE is designated on Country Group D and thus is not eligible for certain license exceptions for items controlled for chemical biological and missile technology reasons. Reexports of U.S. origin goods from one foreign country to another subject to EAR are also controlled, and may require the reexporter regardless to nationality to obtain a license for reexport from BIS.

The Treasury Department's Office of Foreign Assets Control maintains a comprehensive embargo on the export, re-export, sale or supply of any good, service or technology to Iran by persons of U.S. origin, including to persons in third countries with the knowledge that such goods are intended specifically for the supply, transhipment or re-exportation to Iran (Iranian Transaction Regulations, 31 CFR 560.204). Re-exportation of goods, technology and services by non-U.S. persons are also prohibited if undertaken with the knowledge or reason to know that the re-exportation is intended specifically for Iran. (31 CFR 560.205). In addition, BIS also maintains controls on exports and reexports for items on the Commerce Control List (EAR, 15 CFR 746.7).

The lack of an effective export control system in the UAE and the use of the emirates' ports as transhipment centers has been a concern to U.S. policymakers. To that end, BIS released an advanced notice of proposed rule-making on February 26, 2007 that would have created a new control designation: ''Country Group C: Destinations of Diversion Control.'' This designation would have established license requirements on exports and re-exports to countries that represent a diversion or transhipment risk for goods subject to the Export Administration Regulations. According to BIS, the Country C designation was designed ''to strengthen the trade compliance and export control system of countries that are transhipment hubs.'' Designation on the Country Group C list could lead to tightened licensing requirements for designees. Although no countries were mentioned in the notice, it was widely considered to be directed at the United Arab Emirates.

Perhaps as a response to the possibility of becoming a 'Country C' designee, the UAE Federal Council passed the emirate's first ever export control statute in March 2007. That law, also created a control body known as the National Commission for Commodities Subject to Import, Export, and Re-export Controls and that law was signed on August 31, 2007 by Emirates President H.H. Sheikh Khalifa bin Zayed Al Nahyan. Reportedly, the law's structure and control lists were modeled after the export control regime of Singapore, another prominent transhipment hub. It remains unclear, however, the extent to which the law is being enforced or whether resources are being devoted to preventing the diversion or illegal transhipment of controlled U.S. goods and technologies.

The United States has one export control officer (ECO) on the ground in the UAE to investigate violations of U.S. dual-use export control laws. This officer may be augmented by U.S. Foreign Commercial Officers in conducting end-use check and post-shipment verifications. A recent GAO report mentioned a ''high-rate of unfavorable end-use checks for U.S. items exported to the UAE,'' but the report did not elaborate further.

The United States also has engaged in technical cooperation to assist the UAE in developing its export control regime. Officials from BIS and other agencies reportedly traveled to the UAE in June 2007 to discuss the proposed statute. In addition, the Department of State has also provided training through its Export Control and RelatedBorder Security (EXBS) program. This program provides participating countries with licensing and legal regulatory workshops, detection equipment, on-site program and training advisers, and automated licensing programs. Since FY2001, UAE has received between $172–$350 thousand annually in this assistance. For FY2009, State has requested $200 thousand for the UAE under this program.

RECENT U.S. AID TO UAE

	FY2007 and FY2006 (Combined)	FY2007	FY2008 (est.)	FY2009 (req)
NADR (Non-Proliferation, Anti-Terrorism, De-Mining, and Related)—Anti-Terrorism Programs (ATA).	$1.094 million	$1.581 million	$300,000	$925,000
NADR—Counter-Terrorism Financing	$300,000 (FY2006 only)	$580,000		$725,000
NADR—Export Control and Related Border Security Assistance	$250,000	$172,000	$300,000	$200,000
International Military Education and Training (IMET)			$14,000	$15,000
International Narcotics and Law Enforcement (INCLE)			$300,000	

Source: Department of State, FY2009 Budget Justification.

TRIBUTE TO RABBI STEPHEN BAARS

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to my friend Rabbi Stephen Baars, of Bethesda, MD, whom I had the honor of sponsoring as our guest Chaplain for this morning. Given all that Rabbi Baars has done to help others, it was fitting that he was picked to lead the Senate in prayer. No tribute would be complete, however, without giving Senators a greater understanding of his outstanding and unique accomplishments.

Born and raised in London, Rabbi Baars originally envisioned himself working in business or sales until, at age 19, he went on vacation to Israel and became enamored with Judaism. When he finally returned to London 6 months later, he had made up his mind to become a rabbi. Shortly thereafter, he moved back to Jerusalem, where he attended rabbinical school for 9 years through Aish HaTorah, a nonprofit network of Jewish educational centers.

After completing his studies, Rabbi Baars moved to Los Angeles to work for Aish HaTorah. It was in L.A. that he tried a second career as a stand-up comedian. On the advice of a friend, Rabbi Baars began taking comedy classes at UCLA and performing stand-up in clubs. In fact, he is the only rabbi to have performed at the famous L.A. Improv. Eventually, he would stop performing because he found his spiritual work more rewarding. His comedic skills, however, would play a role in his future work, serving as means for him to get his message across to audiences.

In 1990, Rabbi Baars moved to the Washington, DC, region and began teaching Jewish studies classes throughout the DC area. Some of his students included Senators, Representatives, and top business leaders. In 1998, he established a Washington, DC, chapter of Aish HaTorah, and served as its executive director. It was there that he established his most ambitious and creative project yet. In 2002, troubled by America's high divorce rate, Rabbi Baars created BLISS, an innovative, nondenominational marriage seminar that mixes humor with advice taken from the Torah and Talmud. Always an optimist who sees the best in people, Rabbi Baars conducts these seminars and prepares his provocative ''Think Again'' e-mail newsletter with the belief that human beings all contain the skills and attributes they need to be good spouses and parents and that they just need to learn how to reach deep into themselves to utilize these abilities.

Rabbi Baars continues to operate BLISS, which has won rave reviews from many of its participants. Not too long ago, he was kind enough to demonstrate a sample presentation to my staff, who very much enjoyed it. He has stated that his goal for BLISS is to help reduce the divorce rate in America to the single digits. Some may mock this goal as naive, but as Rabbi Baars says, ''If you pick a goal that's reasonable to achieve, you didn't look high enough.''

Of course, it should come as no surprise that someone as dedicated to helping families as Rabbi Baars is happily married. He and his wife Ruth have been together for 16 years and have been blessed with seven wonderful children. His wife and family are a constant source of strength and support for Rabbi Baars as he pursues his life's work.

Thank you, Rabbi Baars, for all you have done to bring families together. It was truly an honor to have you pray with us today.•

ENDANGERED SPECIES DAY

Mrs. FEINSTEIN. Mr. President, 2 years ago I sponsored a resolution designating the third Friday in May as Endangered Species Day. This resolution passed by unanimous consent. There were no objections. The resolution was nonpartisan and noncontroversial.

The goal of Endangered Species Day was simple: to give students an opportunity to learn about the threats facing endangered and threatened species and the work being done to save them.

Last year, I introduced a similar resolution. Once again, it passed by unanimous consent and was noncontroversial. Over 60 events were held in cities across the country. It was used as an educational tool for teachers and a day for parents to take their children to the zoo.

This year the resolution was offered for a third time. It was thought it would pass quickly and without controversy. However, this was not the case. It was held up by an unknown Senator. We could not clear the hold, so we were unable to get unanimous consent to pass the resolution.

Now why is this important? The fact is that 90 events were scheduled in 28 States. Twenty events took place in California to commemorate the day. In my city of San Francisco, the Golden Gate National Recreation Area and the Farralones National Marine Sanctuary led nature hikes in search of the endangered tidewater goby and explained to children what they can do to save them. The Antelope Valley Conservancy hosted its third annual Endangered Species Day Conference that brought together Federal, State, and local leaders to discuss their recovery efforts. Similarly, the San Diego Zoo held public lectures on the affects that global climate change will have on endangered species.

These events still went on as planned. Teachers continued to educate their students about what we need to do as a Nation and at the local level to protect our planet and endangered species.

We know that global climate change, habitat destruction, and the illegal trade and hunting of endangered species carry serious consequences for their future survival. These threats are ongoing. More effective wildlife management programs are needed like those to save the California condor, least Bell's vireo songbird and the California grey whale.

I am disappointed that this noncontroversial resolution was prevented from passing. The goals of Endangered Species Day are simple and uncontroversial: to build awareness about the threats facing our planet's species. If we don't recognize these threats and act now to address them, our planet's endangered species may soon become our planet's extinct species. I am hopeful that all those who took part in last Friday's events came away knowing that more work needs to be done to protect our planet.

CONGRATULATING DAVID COOK

Mrs. MCCASKILL. Mr. President, I want to congratulate a Missourian who has accomplished something truly remarkable. We have known our share of champions in Missouri, like the 2006 St. Louis Cardinals and the Big 12 North winning University of Missouri football team. We have also had our share of great entertainers, like Josephine Baker, Scott Joplin, and Sheryl Crow. But it is very rare that we have someone who is both. Last night, David Cook, a native of Blue Springs, MO, and a graduate of Central Missouri State University, achieved that rare combination when he was crowned winner of ''American Idol.''

David's victory was remarkable even by ''American Idol's'' standards. The show has become one of the greatest competitions the country has ever witnessed. It is ubiquitous. It is practically unavoidable. And with the eyes of the whole country watching, David Cook won ''American Idol'' by the incredible margin of 12 million votes out of a record 97.5 million votes cast. His performances, along with those of David Archuleta, the other worthy finalist, drew in more viewers than watched the season finale last year.

It is telling of the graciousness and humility of this superbly talented young man that David didn't even intend to try out for the show. The only reason he was at the audition was to support his brother. But while entering the contest may have been accidental, it is no accident that the country voted him the next ''American Idol.'' His easy confidence and visible passion (not to mention that voice), made him the clear choice. He was also one of the nicest contestants ever to appear on the show—even notoriously grumpy Simon Cowell said so.

So I want to extend my heartfelt congratulations to Missouri's next superstar, David Cook. I wish you the best of luck in what I am sure will be a stellar career.

TRIBUTE TO JAMES S. HOLT

Mr. CRAIG. Mr. President, I pay tribute to Dr. James S. Holt, who passed away on April 28, 2008.

Dr. Holt was known to many Members of this Senate because of the outstanding contributions he made to developing sound Federal public policy related to agriculture, immigration, and employment. It was through his involvement in these issues before Congress that I got to know Jim and gained a tremendous respect for his wealth of knowledge and integrity—and especially his unwavering commitment to finding policy solutions that were correct, even if that meant they were also uncomfortable or difficult.

Jim Holt received his Ph.D. in agricultural economics from the Pennsylvania State University in 1965, and then served 16 years on the Penn State faculty as a professor of agricultural economics and farm management. From 1978 until the present, Dr. Holt headed his own consulting firm, as well as serving as senior economist to a Washington, DC, law firm, where his responsibilities included research, policy analysis, and government relations in matters related to labor, agriculture, immigration and animal welfare.

Dr. Holt authored more than 70 publications and served agricultural clients in more than 30 States. Jim was a recognized expert with unique knowledge of the H–2A program and served as a consultant to national organizations such as the National Council of Agricultural Employers and the Agriculture Coalition for Immigration Reform during his involvement in the major immigration and H–2A reform efforts in Congress during the past 30 years.

I first became aware of Jim's expertise when he helped farmers in my own State of Idaho to establish the Snake River Farmers Association an organization that helps obtain legally authorized workers through the H–2A temporary and seasonal foreign agricultural worker program. Earlier this year in Idaho, at a meeting of the association, Jim and I teamed up again to address the grave labor situation facing Idaho farmers.

I had the pleasure of working with Jim in the development of the AgJOBS legislation that I coauthored with Senators Feinstein and Kennedy. As my colleagues know, this bill has enjoyed broad bipartisan support and even passed the Senate in 2006. Jim brought his unique knowledge to the process of developing this historic legislation that brought together farm worker advocates and growers in an effort to provide a legal and stable agricultural workforce. During the past decade, Dr. Holt testified numerous times in both Chambers of Congress before the Committees on Agriculture, Judiciary, and Education and Labor in an effort to educate members on the importance of reforming our farm labor system and the severe economic consequences if we fail to do so. When we succeed in enacting the AgJOBS legislation and I am convinced that will ultimately happen—it will be in no small part because of the immeasurable effort Dr. Holt devoted to that cause over the past decade.

On behalf of the policymakers who have worked with Jim Holt and benefited from his wise counsel over the years, I would like to express profound regret at his passing. He will be sorely missed. Let me extend my deepest sympathies to Jim's many friends and colleagues, and to the family he leaves behind.

HONORING ABIGAIL TAYLOR

Ms. KLOBUCHAR. Mr. President, last fall I came before the Senate to ask my colleagues to join me in passing the Virginia Graeme Baker Pool and Spa Safety Act on behalf of an amazing little girl, Abigail Taylor, of Edina MN.

And in December of 2007, with Abigail as our inspiration, Congress answered the call. We not only passed the bill, but working with the Taylor family and child safety experts, we included provisions in the legislation to create tough new safety standards that require all existing public pools with single drains to install the latest drain safety technology. On December 19,

2007, the President signed the Pool and Spa Safety Act into law.

One of the most touching moments in my time in the Senate was that day in December when I was able to call Scott Taylor from the Senate cloakroom to let him know that the pool safety bill had passed. Abbey may have been a small girl, but there is no doubt she had a super-sized impact on our world.

From the beginning, Abbey said she wanted her story told so that it would make a difference. And it did. Although Abbey is no longer with us, she will always live on through this important new law that will protect other children so they do not have to suffer what she did. I am certain that this new law would not have passed except for the inspiring courage of Abbey Taylor and her family. It was their gift to all the children of America.

The city of Edina, MN, will designate May 24, 2008, as Abigail Taylor Day the day Abigail would have celebrated her seventh birthday.

On May 24, I ask that we join in honoring Abbey Taylor, ''Amazing Abigail'' as we called her, and keep the entire Taylor family—Scott, Katey, Grace, Christina, and Audrey—in our thoughts. We owe them all a debt of gratitude for their courage and their pursuit of a safer America for all our children.

ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACT OF 2008

Mr. OBAMA. Mr. President, last year, I was proud to cosponsor America COMPETES, legislation which addressed many issues essential to maintaining America's competitive leadership in an increasing competitive and technological global marketplace. I was heartened by the bipartisan support for that effort. Today, I rise to urge my colleagues to join me and my friend from Indiana, Mr. LUGAR, in extending that effort, by supporting legislation to enhance education efforts in science, technology, engineering and mathematics—the fields known as STEM.

Strengthening STEM education is important not only to foster the innovation needed to ensure our nation's future prosperity, but also so that every citizen can benefit from our democracy's ever-increasing pace of technological and scientific advance. Federal agencies currently administer more than a hundred different STEM education programs, with over $3,000,000,000 spent annually. Yet there is little coherence among these efforts. There is a clear need for increased coordination of STEM education among states, and between the efforts of federal agencies and of state and local educators.

The intent of our legislation, the Enhancing Science, Technology, Engineering, and Technology Act of 2008, is to bring coherence and coordination to these efforts, for the benefit of students, science, and society. The legislation establishes a STEM Education Committee within the President's Office of Science and Technology Policy to coordinate the initiatives of the many Federal agencies engaged in STEM education, and to avoid unnecessary duplication among these efforts. It consolidates existing STEM education initiatives within the Department of Education under the direction of an Office of STEM Education. It authorizes grant funding for States which choose to work together to develop rigorous common STEM education standards with more meaningful and effective ways of measuring student learning. And it facilitates sharing of information about effective educational practices and innovations so that they become widely available to STEM teachers and educators. Throughout this legislation, there is emphasis on developing strategies to increase the participation of Americans from underrepresented populations in our national science and engineering enterprise, bringing new perspectives for the benefit of all.

All of these efforts together will strengthen our efforts to help students learn, and teachers teach, not just to train the scientists and engineers of the future, but to empower all students to become more fluent in science and technology, and more capable in math.

I am pleased that Mr. LUGAR has joined in this effort, as have Mr. SANDERS and Mr. BROWN. In the House, Mr. HONDA has introduced companion legislation, joined by a bipartisan group totaling 40. I urge my colleagues to join us in this effort.

ADDITIONAL STATEMENTS

CONGRATULATING KATELYN BOWLES AND RILEY MILLER

● Mr. BUNNING. Mr. President, today I congratulate Ms. Katelyn Bowles and Ms. Riley Miller on receiving the Prudential Spirit of Community Award. Sponsored by Prudential Financial and the National Association of Secondary School Principals, the Prudential Spirit of Community Award recognizes middle and high school students who perform outstanding community service at the local, State and national level. Each year, two students are chosen as State honorees from each of the 50 States, and the District of Columbia.

Ms. Bowles, a senior at Montgomery County High School in Mount Sterling, KY, has been recognized as one of the Commonwealth top youth volunteers. She spearheaded a campaign to renovate the Mount Sterling C&O Train Depot, an integral part of the community tradition. By initiating a business plan between Future Business Leaders of America members and local government agencies, Ms. Bowles successfully secured $200,000 in grants for the project, including $153,000 from the Kentucky Transportation Cabinet. Additionally, she managed to recruit fellow high school students to help with much of the renovation, scheduled to be completed next year.

In addition to being chosen as a State honoree, Ms. Miller, an eighth grader at Drakes Creek Middle School in Bowling Green, KY, has been selected as one of America's top 10 youth volunteers. She is recognized for her outstanding efforts in raising $50,000 for childhood cancer research over the past 3 years. Having lost two younger brothers to leukemia, raising money for cancer research is a particularly important mission for Ms. Miller. Last year alone, Ms. Miller managed 29 lemonade stands with over 200 volunteers across Bowling Green, raising $19,000. This incredible feat demonstrates her exceptional dedication, organizational skill, and enormous capacity for leadership.

Ms. Bowles and Ms. Miller have proven themselves to be exemplary students and volunteers, deserving of the Prudential Spirit of Community Award. They are an inspiration to the citizens of Kentucky and to student leaders and community volunteers everywhere. I look forward to seeing all that they will accomplish in the future.●

RECOGNIZING L. ROBERT KIMBALL

● Mr. CASEY. Mr. President, I would like to take a few moments to recognize the contributions of a community leader from my home State of Pennsylvania, Mr. L. Robert Kimball. Bob Kimball's name has become synonymous with high-quality work that clients have come to expect from the architecture, engineering, technology, and consulting firm that he founded 55 years ago in his home town of Ebensburg, PA.

The firm's professional services are well known both in Cambria County and among the public and private marketplaces it serves. Far less recognized are the contributions that Bob makes to his community.

In addition to his involvement on the boards of various civic, higher education, and professional organizations, his support extends to the fine and performing arts, education, athletics, youth organizations, community economic development initiatives, and health and human service agencies. His generosity is not limited to monetary contributions and sponsorships. He also encourages active participation by his staff in community activities. Bob wants to make sure that his firm never forgets its small-town foundation.

Under his leadership as founder, Bob places a high priority on treating clients, staff, and the community with consideration, appreciation, and fairness. These core values are among the key components of the firm's success.

Bob Kimball has enjoyed a successful career and has continuously shared that success, experience, and guidance with the community in Cambria County. He has distinguished himself as a

business leader, an accomplished professional engineer, a successful entrepreneur, and a dedicated family man.

On behalf of the United States Senate, we recognize Mr. L. Robert Kimball's commitment to his community in Ebensburg, PA.●

TRIBUTE TO WILLIAM PEYTON HARRIS

● Mr. SESSIONS. Mr. President. I rise today to tell you about a wonderful and humble man, William Peyton Harris of Camden, AL, who died on February 25, 2008.

Mr. Harris was born October 22, 1909. He was a man who loved adventure and a man of many talents. He survived the Great Depression and worked some weeks for $5 per week. He grew up in a time when good morals, good manners, and discipline were the norm.

He was very fortunate to have married Lois Sutherland who was the perfect life partner for him. She was with him for 62 years. They had one son, my friend, Billy, three grandchildren and seven great-grandchildren.

At the age of 12, he rode a horse 2½ miles to see the last steamboats loading cotton bales on the Alabama River. Then, in the early 1960s, he salvaged an old steamboat that sank in 1850 and his discovery revealed lost treasure.

He was well known in his later years for his artwork of Old South scenes and wildlife, especially the wild turkey, which he also loved to hunt. His art studio was in the back of an old country store he owned and operated for many years in Possum Bend. The store was known as the ''Social Center'' of Possum Bend. After renting out the country store, he concentrated more on his art. His popularity grew and in 2001, he was interviewed by CNN and the interview aired on national television. Buyers for his art increased and more visitors stopped by his studio. No matter how busy he was, there was always time for his friends and customers. Good conversation occurred on subjects from politics to weather, and from grandchildren to divorces and if you were down and out, or had a cold, he would always offer you a little of his special ''remedy.''

As a son of a store owner in a nearby community myself, I remember some of those times very well when as a young boy I observed such scenes, but times have changed. We are much ''busier'' now, though not necessarily wiser. The old store stands vacant. Only fond memories remain of the life of a wonderful man who was one of the last of a great generation.●

TRIBUTE TO KATHRYN TUCKER WINDHAM

● Mr. SHELBY. Mr. President, I wish today to honor Kathryn Tucker Windham, who is celebrating her 90th birthday on June 5, 2008. In Alabama, one of our greatest treasures is our history, which is often best learned through the stories told by others. Alabama is lucky to have one of the world's best storytellers, Kathryn Tucker Windham, who shares her memories and observances of our State's social history in a way unlike any other. Kathryn can tell stories about graveyards and ghosts, cooking or recipes and the Gee's Bend quilters that provide her listener with a unique view into life in the rural South.

Born in Selma, AL, Mrs. Windham grew up in Thomasville, where she began her writing career at the age of 12 working for the Thomasville Times, a local weekly newspaper. After receiving her bachelor's degree from Huntingdon College in Montgomery, AL, Kathryn became one of the first women to cover the police beat for a major daily newspaper in the South at the Alabama Journal. She also worked as a reporter, photographer, and State editor for the Birmingham News and as a reporter, city editor, State editor, and associate editor for the Selma Times-Journal, where she won Associated Press awards for her writing and photography.

Kathryn is also the author of 24 books and is a playwright. She is widely recognized for storytelling abilities in classrooms, historical meetings, and storytelling events across Alabama. In addition to her writing career, Mrs. Windham worked as the community relations coordinator for the area agency on aging, which serves 12 rural counties in southwest Alabama and promoted statewide war bond drives during World War II.

Mrs. Windham's work in radio brought her a new level of notoriety, as she is now a favorite contributor to National Public Radio's program, ''All Things Considered.'' Her tales about life in the rural South tell listeners more about our region than is widely known and have included stories about rumors of people who could kill a rattlesnake by spitting, a hailstorm in Thomasville that was supposed to have knocked the eyes out of goldfish in a pond, or the frog houses Alabama children make with cold mud.

Quoted in a 1999 article for Current magazine, Windham said of her storytelling, ''It preserves a part of our Southern history maybe, our heritage. We need to know where we came from.'' I could not agree with her more. Kathryn Tucker Windham will leave an important legacy as a trailblazing female journalist and a chronicler of life in Alabama that I greatly admire.

I join Kathryn's three children, Kathryn Tabb Windham, Amasa Benjamin Windham, Jr., and Helen Ann Windham Hilley, and her two grandsons, David Wilson Windham and Benjamin Douglas Hilley in wishing Mrs. Windham a happy 90th birthday. Mrs. Windham is a special and unique lady, and I wish her the very best.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2712) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, In which I originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

At 1:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for fiscal year 2008, Which provides special immigrant status for certain Iraqis, and for other purposes.

S.J. Res. 17. Joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 752. An act to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

H.R. 1771. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes.

H.R. 3323. An act to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.

H.R. 3819. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

H.R. 4841. An act to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of

Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.

H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 5856. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes.

H. Con. Res. 325. Concurrent resolution celebrating the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes.

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month.

At 6:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 752. To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers , and fax machines, to educational recipients; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1771. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

H.R. 3323. An act to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3819. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5856. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 325. Concurrent resolution celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes; to the Committee on the Judiciary.

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2420. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food (Rept. No. 110–338).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1581. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration (Rept. No. 110–339).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2482. A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida (Rept. No. 110–340).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2307. A bill to amend the Global Change Research Act of 1990, and for other purposes (Rept. No. 110–341).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 563. A resolution designating September 13, 2008, as ''National Childhood Cancer Awareness Day''.

S. Res. 567. A resolution designating June 2008 as ''National Internet Safety Month''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1210. A bill to extend the grant program for drug-endangered children.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Kimberly A. Siniscalchi, to be Major General.

Air Force nomination of Maj. Gen. Mark D. Shackelford, to be Lieutenant General.

Air Force nomination of Maj. Gen. Philip M. Breedlove, to be Lieutenant General.

Air Force nomination of Maj. Gen. Charles E. Stenner, Jr., to be Lieutenant General.

Army nomination of Lt. Gen. Stanley A. McChrystal, to be Lieutenant General.

Army nomination of Brig. Gen. John F. Mulholland, Jr., to be Lieutenant General.

Army nominations beginning with Brigadier General Stephen E. Bogle and ending with Colonel Joe M. Wells, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2008.

Army nomination of Lt. Gen. Peter W. Chiarelli, to be General.

Navy nomination of Rear Adm. Harry B. Harris, Jr., to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Julius S. Caesar and ending with Rear Adm. (lh) Garland P. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Navy nomination of Rear Adm. William H. McRaven, to be Vice Admiral.

Navy nomination of Rear Adm. Michael C. Vitale, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Raymond E. Berube, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Richard R. Jeffries and ending with Rear Adm. (lh) David J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Navy nominations beginning with Capt. David F. Baucom and ending with Capt. Vincent L. Griffith, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. David C. Johnson and ending with Capt. Thomas J. Moore, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Donald E. Gaddis and ending with Capt.

Maude E. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Michael H. Anderson and ending with Capt. William R. Kiser, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nomination of Capt. Norman R. Hayes, to be Rear Admiral (lower half).

Navy nomination of Capt. William E. Leigher, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William E. Gortney, to be Vice Admiral.

Navy nomination of Vice Adm. Melvin G. Williams, Jr., to be Vice Admiral.

Navy nomination of Rear Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Kevin M. McCoy, to be Vice Admiral.

Navy nomination of Vice Adm. William D. Crowder, to be Vice Admiral.

Navy nomination of Rear Adm. Peter H. Daly, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lonnie B. Barker and ending with Jerry P. Pitts, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Eric L. Bloomfield and ending with Deborah L. Mueller, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Air Force nominations beginning with Mary J. Bernheim and ending with Kelli C. Mack, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Air Force nominations beginning with James E. Ostrander and ending with Frank J. Nocilla, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Army nomination of Cheryl Amyx, to be Major.

Army nomination of Deborah K. Sirratt, to be Major.

Army nominations beginning with Mark A. Cannon and ending with Michael J. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Gene Kahn and ending with James D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Lozay Foots III and ending with Margaret L. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Phillip J. Caravella and ending with Paul S. Lajos, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nomination of Jimmy D. Swanson, to be Colonel.

Army nomination of Ronald J. Sheldon, to be Colonel.

Army nominations beginning with Brian M. Boldt and ending with Christopher L. Tracy, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2008.

Army nomination of James K. McNeely, to be Major.

Navy nominations beginning with Stanley A. Okoro and ending with David B. Rosenberg, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2008.

Navy nomination of Robert S. McMaster, to be Lieutenant Commander.

Navy nomination of Christopher S. Kaplafka, to be Lieutenant Commander.

Navy nomination of David R. Eggleston, to be Lieutenant Commander.

Navy nominations beginning with Katherine A. Isgrig and ending with Jason C. Kedzierski, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Navy nominations beginning with Robert D. Younger and ending with Jeffrey W. Willis, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

By Mrs. FEINSTEIN for the Committee on Rules and Administration.

*Cynthia L. Bauerly, of Minnesota, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

*Caroline C. Hunter, of Florida, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

*Donald F. McGahn, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

By Mr. LEAHY for the Committee on the Judiciary.

Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER:

S. 3048. A bill to amend the Internal Revenue Code of 1986 to make the allowance of bonus depreciation and the increased expensing limitations permanent; to the Committee on Finance.

By Mr. ALEXANDER:

S. 3049. A bill to amend the Internal Revenue Code of 1986 to make the capital gains and dividends rate permanent and to provide estate tax relief and reform, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3050. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus, and parts thereof, for use in the construction of an isotopic separation facility in southern New Mexico; to the Committee on Finance.

By Mr. GRAHAM:

S. 3051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 3054. A bill to require all automobiles manufactured or sold in the United States to be equipped with a real time and average fuel economy display; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. SALAZAR, Mrs. CLINTON, Mr. COLEMAN, Mr. TESTER, Mr. LUGAR, Mr. DURBIN, and Ms. COLLINS):

S. 3056. A bill to reduce the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, United States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family seperation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. 3058. A bill to prohibit the importation of certain products that contain or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 3060. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

By Mr. BIDEN (for himself and Mr. BROWNBACK):

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 3064. A bill to establish a multi-faceted approach to improve access and eliminate disparities in oral health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 3065. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 3066. A bill to designate certain National Forest System land in the Pike and San Isabel National Forests and certain land in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARNER, Mr. KERRY, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3069. A bill to designate certain land as wilderness in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. ENZI, Mr. BROWN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. WICKER, Mr. NELSON of Florida, Mr. BUNNING, Mr. INOUYE, Mr. CRAPO, Ms. MURKOWSKI, Mr. STEVENS, Mr. COCHRAN, Mr. ROBERTS, Mr. BARRASSO, Mr. ALEXANDER, Mr. ISAKSON, Mr. GREGG, Mr. SMITH, Mr. MARTINEZ, Mr. BENNETT, Mr. INHOFE, Mr. LUGAR, Mr. DEMINT, Mr. VITTER, Mr. MCCAIN, Mr. CORKER, Mr. HAGEL, Mr. CHAMBLISS, Mr. VOINOVICH, Mr. ALLARD, Mr. BURR, Mr. CRAIG, Mr. COLEMAN, Mr. WARNER, Mr. COBURN, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mrs. DOLE, Mr. BROWNBACK, and Mrs. LINCOLN):

S. 3070. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WICKER:

S. 3072. A bill to provide for comprehensive health reform; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUNE):

S. 3073. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 34. A joint resolution to provide a replacement laboratory and support space at the Smithsonian Environmental Research Center (SERC) Mathias Laboratory; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 35. A joint resolution to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 36. A joint resolution to provide replacement laboratory space for terrestrial research at the Smithsonian Tropical Research Institute; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 574. A resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately release from custody the children of Rebiya Kadeer and Canadian citizen Huseyin Celil and should refrain from further engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, and Ms. SNOWE):

S. Res. 575. A resolution expressing the support of the Senate for veteran entrepreneurs; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VOINOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. BARRASSO, Mr. GRASSLEY, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. INHOFE, Mrs. BOXER, Mr. COLEMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAIG, Mr. SANDERS, Mr. SPECTER, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. AKAKA, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER):

S. Res. 576. A resolution designating August 2008 as ''Digital Television Transition Awareness Month''; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. CHAMBLISS, Ms. SNOWE, Mr. CARPER, Mr. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAKSON, Mr. REID, and Mr. DORGAN):

S. Res. 577. A resolution to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies; considered and agreed to.

By Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska):

S. Res. 578. A resolution recognizing the 100th anniversary of the founding of the Congressional Club; considered and agreed to.

By Mr. VITTER (for himself, Mr. SHELBY, Mr. MARTINEZ, Ms. LANDRIEU, Mr. SESSIONS, Mr. DEMINT, Mr. BURR, and Mr. NELSON of Florida):

S. Res. 579. A resolution designating the week beginning May 26, 2008, as ''National Hurricane Preparedness Week''; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Con. Res. 84. A concurrent resolution honoring the memory of Robert Mondavi; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BYRD, Mrs. DOLE, Mr. MCCAIN, Mr. WARNER, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BURR):

S. Con. Res. 85. A concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War; considered and agreed to.

ADDITIONAL COSPONSORS

S. 612

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 612, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 678

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1253

At the request of Mr. BINGAMAN, the name of the Senator from Colorado

(Mr. ALLARD) was added as a cosponsor of S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1680

At the request of Ms. MURKOWSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1680, a bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1906

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2389

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2433

At the request of Mr. OBAMA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was withdrawn as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2560

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 2568

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2568, a bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2684

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2742

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2742, a bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator.

S. 2743

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2792

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2792, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 2854

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2854, a bill to amend title 10, United States Code, to clarify the effective date of active duty members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in

support of a contingency operation for purposes of entitlement to medical and dental care as members of the Armed Forces on active duty.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

At the request of Ms. STABENOW, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2931, supra.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2994

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2994, a bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

S. 3005

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3005, a bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes.

S. 3008

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

AMENDMENT NO. 4796

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4796 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 4800

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4800 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today, Senator LUGAR and I are introducing the Naval Vessel Transfer Act of 2008, a bill to permit the transfer of certain U.S. Navy vessels to particular foreign countries. All of the proposed ship transfer authorizations have been requested by the U.S. Navy, with the approval of the Office of Management and Budget.

Pursuant to section 824(b) of the National Defense Authorization Act for fiscal year 1994, as amended, 10 U.S.C. 7307(a), a naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation unless the disposition of that vessel is approved by law enacted after August 5, 1974. The bill we introduce today would provide that required approval for six transfers: a guided missile frigate for Pakistan; two minehunter coastal ships for Greece; an oiler for Chile; and two amphibious tank landing ships for Peru. These would all be grant transfers under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j). If any Member of this body has questions or concerns regarding one or more of the proposed ship transfers, please let us know.

The bill also contains provisions that are traditionally included in ship transfer bills, relating to transfer costs and repair and refurbishment of the ships, and exempting the value of a vessel transferred on a grant basis from the aggregate value of excess defense articles in a given fiscal year.

The authority provided by this bill would expire 2 years after the date of enactment of the bill.

Finally, the Department of Defense has provided the following information on this bill:

These proposed transfers would improve the United States' political and military relationships with close allies. They would support strategic engagement goals and regional security cooperation objectives. Active use of former naval vessels by coalition forces in support of regional priorities is more advantageous than retaining vessels in the Navy's inactive fleet and disposing of them by scrapping or another method.

The United States would incur no costs in transferring these naval vessels. The recipients would be responsible for all costs associated with the transfers, including maintenance, repairs, training, and fleet turnover costs.

This act does not alter the effect of the Toxic Substances Control Act, or any other law, with regard to their applicability to the transfer of ships by the U.S. to foreign countries for military or humanitarian use. The laws and regulations that apply today would apply in the same manner if this section were enacted.

The Secretary of the Navy, the Honorable Donald C. Winter, has added: ''Expeditious enactment of the proposal is in the best interests of the Navy's Maritime Strategy as it will allow us to strengthen the capabilities of partner nations.''

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Naval Vessel Transfer Act of 2008''.

SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) PAKISTAN.—To the Government of Pakistan, the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG–8).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC–51) and ROBIN (MHC–54).

(3) CHILE.—To the Government of Chile, the KAISER class oiler ANDREW J. HIGGINS (AO–190).

(4) PERU.—To the Government of Peru, the NEWPORT class amphibious tank landing ships FRESNO (LST–1182) and RACINE (LST–1191).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section

shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senator CANTWELL, I introduce a bill to provide grants to Area Agencies on Aging to provide services to improve financial literacy among older individuals.

A number of trends have occurred over the past few years that make financial literacy a critical element of retirement security. The personal savings rate in the United States has declined dramatically over the last two decades. According to the Commerce Department, the personal savings rate was 0.2 percent in March of this year. This means for every $1,000 of after-tax income, the average person saved only $2.

In addition, the shift from defined benefit to defined contribution retirement plans has generally placed the burden on employees to effectively manage the investment of their pensions.

However, many Americans, including older Americans, lack financial literacy skills. In the 2008 Retirement Confidence Survey by EBRI/Matthew Greenwald & Associates, 40 percent of retirees surveyed reported that they are not knowledgeable about investments and investment strategies. In addition, a 2003 national survey by AARP of consumers aged 45 and older found that they often lacked knowledge of basic financial and investment terms. For example, only about half of respondents reported knowing that diversification of investments reduces risk.

The Smith-Cantwell bill will improve older Americans' financial literacy and help them better prepare for and manage their assets in retirement. Under the bill, grants will be provided to Area Agencies on Aging to enable these organizations to provide services to improve financial literacy among older individuals, especially older women. These services include education, training and other assistance.

This bipartisan financial literacy bill will help increase older Americans' financial literacy so they can make more informed and prudent investment and retirement planning decisions. And I am pleased that the Women's Institute for a Secure Retirement and the National Association of Area Agencies on Aging have both endorsed this bill.

I look forward to working with my colleagues to enact this important bill. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL LITERACY SERVICES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

''FINANCIAL LITERACY SERVICES

''SEC. 1150A. (a) DEFINITIONS.—In this section:

''(1) AREA AGENCY ON AGING.—The term 'area agency on aging' has the meaning given that term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(2) FINANCIAL LITERACY SERVICES.—The term 'financial literacy services' means the services described in subsection (b)(1).

''(3) OLDER INDIVIDUAL.—The term 'older individual' has the meaning given that term in such section 102.

''(b) GRANTS FOR SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to eligible entities and other entities determined appropriate by the Secretary to enable the entities to provide services to improve financial literacy among older individuals, including older individuals who are women, and the family members and legal representatives of such individuals. The Secretary shall make the grants on a competitive basis, and nationwide.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be an area agency on aging or another entity that meets such requirements as the Secretary may specify.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. In the case of an entity who intends to provide the financial literacy services jointly with other services as described in paragraph (4)(C), the application shall include information demonstrating that the entity has the capacity to provide the services jointly.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant to provide financial literacy services, such as financial literacy education, training, and assistance.

''(B) PROVISION THROUGH CONTRACTS.—The entity may provide the services directly or by entering into a contract with an organization that provides counseling, advice, or representation to older individuals and the family members and legal representatives of such individuals in a community served by the entity.

''(C) PROVISION WITH OTHER SERVICES.—The entity may provide the services alone or jointly with other services provided by or funded by the eligible entity, such as—

''(i) services provided through State Health Insurance Assistance Programs;

''(ii) services provided through a Long-Term Care Ombudsman program under section 307(a)(9) or 712 of the Older Americans Act of 1965 (42 U.S.C. 3027, 3058g);

''(iii) information and assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

''(iv) legal assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

''(v) services provided through Senior Medicare Patrol Projects conducted by the Administration on Aging;

''(vi) case management services; and

''(vii) services provided through Aging and Disability Resource Centers.

''(5) REPORT.—The Secretary shall submit to Congress an annual report on the activities carried out by entities under a grant under this subsection.

''(c) NATIONAL SUPPORT CENTER FOR FINANCIAL LITERACY GRANT.—

''(1) IN GENERAL.—The Secretary may make a grant to an eligible center to coordinate the services provided through, and support the grant recipients under, the grant program carried out under subsection (b).

''(2) ELIGIBLE CENTER.—To be eligible to receive a grant under this subsection, a center shall—

''(A) be an entity that is housed within an organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;

''(B) have a minimum of 10 years experience operating a national program and support center with a focus on financial literacy; and

''(C) be primarily engaged in outreach and training activities designed to provide financial education and retirement planning for low- and moderate-income individuals, particularly with respect to women; and

''(D) have a demonstrated record of collaboration with organizations that focus on the needs of low- and moderate-income individuals and with national organizations serving the elderly, including those working with area agencies on aging and women, as well as organizations with expertise in financial services and related fields.

''(3) USE OF FUNDS.—A center that receives a grant under this subsection shall use the funds made available through the grant to—

''(A) design and conduct training (which may include providing training for trainers) related to financial literacy services;

''(B) provide curricula for financial literacy services;

''(C) develop and disseminate relevant information about financial literacy services;

''(D) conduct outreach to national, State, and community organizations through a series of strategic partnerships in order to improve financial literacy among older individuals and the family members and legal representatives of such individuals;

''(E) provide technical assistance to the grant recipients under subsection (b) with respect to the program; and

''(F) collect data from such grant recipients about the services provided under this section, and the impact of those services.

''(4) ADDRESSING CHALLENGES TO WOMEN IN SECURING ADEQUATE RETIREMENT INCOME.—In addition to the activities described in paragraph (3), a center that receives a grant under this subsection shall use the funds made available through the grant to conduct activities that are focused on addressing the challenges faced by older women, women of color, single women, and women who are heads of households to securing an adequate retirement income.

''(d) COORDINATION.—The Secretary shall ensure that the activities carried out under the grant program under subsection (b) and under a grant made under subsection (c) are

coordinated with the activities carried out by—

''(1) the Office of Financial Education of the Department of the Treasury; and

''(2) the Financial Literacy and Education Commission established under section 513 of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702).

''(e) FUNDING.—The Secretary of the Treasury shall transfer to the Secretary of Health and Human Services from the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund established under section 201 such funds as are necessary for making grants under this section.''.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with Senator SMITH, I am introducing a bill to exempt wooden practice arrows from the unfair impact of an excise tax designed for much more expensive hunter and professional arrows. The JOBS Act of 2004 changed the tax on all arrows from 12.4 percent of an arrow's value to a fixed amount, adjusted for inflation, that now stands at 39 cents per arrow. Under the prior law, wooden practice arrows that cost 30 cents paid a tax of 3.6 cents. Under the current fixed tax, the same practice arrows are now assessed a tax of 39 cents per arrow, more than doubling the arrows' cost to the camps, schools and Boy Scouts that use them. The fixed tax is suited to the higher cost of hunter and professional arrows, which sell for up to $100 apiece. It is not suited for the less costly practice arrows and these should be made exempt as our legislation would do. The Archery Trade Association, which represents arrow makers large and small, supports this bill and agrees that the newer fixed tax unfairly and unintentionally hurts the makers and users of wooden practice arrows. Moreover, there is a precedent for exempting practice arrows, because Code section 4161 exempts youth bows, defined by their draw weight, from taxes. The Joint Committee on Taxation puts the cost of this arrows bill as $2 million over 10 years. This seems a small price to pay to help wooden arrow manufacturers struggling to stay in business in Oregon and 9 other States: Washington, Wisconsin, Arizona, Minnesota, Indiana, Virginia, New York, Utah and Texas. I urge my colleagues to support reform of the arrow excise tax to help both the makers and users of children's wooden practice arrows.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF RATE OF EXCISE TAX ON CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) of the Internal Revenue Code of 1986 (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, Unite States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family separation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

Mr SMITH. Mr. President, I rise today to honor our Nation's veterans and their families. As we approach Memorial Day and reflect upon the countless sacrifices of our service men and women, we must also take a moment and remember our military families. These families have shouldered the burden of our military engagements, going extended periods, sometimes years, without seeing their spouse, their mother, or their father. To help alleviate this burden, Senator FEINSTEIN and I are introducing the Military Family Separation Benefit Enhancement Act.

The Military Family Separation Benefit Enhancement Act would peg the Family Separation Allowance to the Consumer Price Index, allowing for increases in the benefit, providing some additional relief to military families separated by deployments. The Family Separation Allowance is a benefit awarded to our military families when a service man or woman with dependents is deployed overseas for 30 days or more. The current amount of the Family Separation Allowance is only $250, which does not have much purchasing power in these days of high fuel and food prices. The Family Separation Allowance remains at $250, regardless of economic conditions.

When a service member is deployed, a family experiences new and unexpected costs. Oftentimes, the deployed service member is a vital part of a household, helping to raise children, perform various community services and complete chores around the house. Therefore, many of our military families are forced to seek additional help. Families must pay for extra child care or for a lawn care service, tasks that often are the deployed service member's responsibility.

Pegging the Family Separation Allowance to the Consumer Price Index will better reflect the economic burdens our military families encounter. The FSA will not be stuck at $250 a month when fuel costs are skyrocketing and food prices continue to rise.

The Military Family Separation Benefit Enhancement Act also creates a new Family Separation Allowance for those service members who do not have dependents. Just because a service member does not have dependents does not mean he or she will not need help at home while overseas. Many still need help maintaining their lawn, ensuring the upkeep of their house, or providing for the storage of their car.

Our bill is a means to help our military families and those who serve. Deploying overseas is a difficult adjustment for our military families and this legislation will provide some relief.

I ask my colleagues to join Senator FEINSTEIN and me to pass the Military Family Separation Benefit Enhancement Act.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise today to introduce the Commercial Truck Fuel Savings Demonstration Act of 2008, which would help address the growing crisis of energy costs for our Nation's trucking industry.

Our Nation faces record high energy prices, affecting almost every aspect of daily life. The rapidly growing price of diesel is putting an increasing strain on our trucking industry. The U.S. average on diesel prices reached $3.50 a gallon in February 2008 and prices have not gone below this amount since that time. The average price of diesel this week is $4.50. Escalating fuel costs are especially devastating in states where the cost of diesel fuel is exacerbated by Federal weight limit restrictions that prohibit trucks that carry more than 80,000 pounds from traveling on the Federal interstate system.

For example, under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the State Turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced

onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

The Commercial Truck Fuel Savings Demonstration Act of 2008, which I am introducing today, will provide immediate savings to our truckers. My bill creates a 2-year year pilot program that would permit trucks carrying up to 100,000 pounds to travel on the Federal interstate system whenever diesel prices are at or above $3.50 a gallon. This legislation does not mandate that each state participate in the pilot program, but gives each state the opportunity, during this time of high fuel costs, to offer relief to their trucking industries.

Permitting trucks to carry up to 100,000 pounds on Federal highways would lessen the fuel cost burden on truckers in three ways: First, raising the weight limit would allow trucking companies to put more cargo in each truck, thereby reducing the numbers of trucks needed to transport goods: Second, trucks carrying up to 100,000 pounds would no longer need to move off the main Federal highways where trucks are limited at 80,000 pounds and take less direct routes on local roads requiring considerably more diesel fuel and extended periods of idling during each trip; and third, trucks traveling on the interstate system would save on fuel costs due to the much superior road design of the interstate system as compared to the rural and urban state road systems.

I recently met with Kurt Babineau, a small business owner and second generation logger and trucker from my State who has been struggling with the increasing costs of running his operation. Mr. Babineau's operation works just east of central Maine on the outskirts of the town of Mattawamkeag. All of the pulpwood his business produces, which is roughly 50 percent of his total harvest, is transported to Verso Paper, which is located in the southwestern part of the State, in the town of Jay. The distance his trucks must travel is 165 miles and a round trip takes approximately 8 hours to complete.

If Mr. Babineau's trucks were permitted to use Interstate 95, this would reduce the distance his trucks must travel to approximately 100 miles and would shave one hour off the time it takes his trucks to make their delivery to Verso Paper, saving his operation both time and fuel.

The results of less fuel consumption from decreased distance traveled would create significant savings for Mr. Babineau's operation. His trucks average 4 miles to the gallon, which calculates to approximately 11.8 gallons an hour. Permitting trucks to travel on Interstate 95 would save Mr. Babineau 118 gallons of fuel each week. The current cost of diesel fuel in his area is approximately $4.42 per gallon, and therefore, combined with time saved on wages for drivers, his savings would estimate to nearly $697 a week.

If you applied this savings to one year of trucking for Mr. Babineau's company alone, it would save his operation over $33,400 a year and 5,664 gallons of fuel over the same period. These savings are not only beneficial to Mr. Babineau's business, his employees, and the consumer, but also to our Nation, as we look for ways to decrease on our overall fuel consumption.

Trucking is the cornerstone of our economy as most of our goods are transported by trucks at some point in the supply chain. Some independent truckers in my state already have been forced out of business due to rising fuel costs and more businesses are facing a similar fate if Congress does not act soon to address our growing energy crisis. The Commercial Truck Fuel Savings Demonstration Act offers an immediate and cost effective way to help our Nation's struggling trucking industry. I am pleased that Senator SNOWE has joined me as an original cosponsor of the bill, and I urge all my colleagues to support this important legislation.

Ms. SNOWE. Mr. President, I rise today to commend my colleague from Maine, Senator COLLINS, in introducing legislation critical to rectifying not only a serious impediment to the movement of international commerce, but more importantly, will improve safety on our secondary roads and sustain a commercial trucking industry suffering from an astonishing rise in diesel prices.

There are some of our colleagues who believe that expanding upon the current Federal truck weight limitation of 80,000 pounds is dangerous, compromising the safety of passenger vehicles driver who may be faced with a truck weighing as much as 143,000 pounds, the limit on Interstates in Massachusetts and New York. I certainly concur that safety of such drivers is very important, and I have the record to back that up. Yet, in some areas the imposition of this outdated patchwork of weight limits puts the safety of pedestrians and the motor carrier operators themselves at risk.

Take the situation we face in Maine, where we currently have a limited exemption along the southern portion of the Maine turnpike. Many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel teeter past elementary schools, libraries, and weaving through traffic to reach locations like our Air National Guard station. Not only is that an inefficient method of bringing necessary fuel to Guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed last year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate. So I ask you, is the so-called safety argument truly a legitimate reason for opposition as my constituents and many others across small American communities are taking their lives in their hands when merely crossing Main Street?

As laid out in this legislation, it is obvious Senator COLLINS has a clear understanding of this safety issue, crafting a strategy that quantifies any potential risks to safety, and places the gathering of that data in the hands of the nonpartisan Government Accountability Office. It is my expectation that, like earlier studies that have indicated traffic fatalities involving trucks weighing 100,000 pounds are ten times greater on secondary roads than on exempted Interstates, the data collected by the GAO will point the way to a permanent solution that will enable America to harmonize the myriad weight limits across our Nation's highways.

This legislation also exhibits a true sensitivity to one of the greatest problems facing the domestic trucking industry, particularly our smaller operators: the cost of fuel. This is a problem that cannot be ignored. The price of diesel nationally as I make this statement is four dollars and 49 cents. One year ago today, it was two dollars and 82 cents! We must act.

As a result of this legislation, motor carriers will be able to expand their ability to carry loads when the price of diesel surpasses three dollars and fifty cents per gallon. While this will only affect some states that face a federal interstate system without a weight exemption, it will greatly facilitate the movement of goods across this country. Given that volume of goods projected to enter this country is forecast to increase by over 100 percent, we need a forward-thinking, intermodal plan in place. Having a greater synergy in terms of our weight limits will not only assist our Nation's struggling trucking industry, but will simplify the flow of goods moving across our country and augment our Nation's economy.

I would like to thank Senator COLLINS for her steadfast efforts and innovative thinking on this legislation as, side-by-side, we will continue to seek a resolution to this issue, which, to my eyes, is a simple matter of fairness.

By Mr. BIDEN (for himself and Mr. BROWNBACK):

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the William Wilberforce Trafficking Victims Protection

Reauthorization Act of 2008. The Trafficking Victims Protection Act was authored 8 years ago by Senator BROWNBACK and the late Senator WELLSTONE, and since then, through two re-authorizations, has been a tremendous asset in preventing and prosecuting human trafficking crimes. Today, I am honored to be able to introduce legislation to reauthorize these valuable programs with my distinguished colleague, Senator BROWNBACK.

Human trafficking is a major problem worldwide and the challenges remain great. According to the most recent State Department report, roughly 800,000 individuals are trafficked each year, the overwhelming majority of them women and children. The FBI estimates approximately $9.5 billion is generated annually for organized crime from trafficking in persons. The International Labor Organization estimates that, at present, 2.4 million persons have been trafficked into situations of forced labor.

These victims are trafficked in a variety of ways. Sometimes they are kidnapped outright, but many times they are lured with dubious job offers, or false marriage opportunities. The traffickers capitalize on the victims' desire to seek a better life, and trap them with lifetime debt bondages that degrade and destroy their lives.

Since 2000, the Trafficking Victims Protection Act has provided us effective tools, and in this reauthorization, our aim is to take the successes and lessons of eight years of progress and expand our abilities to combat human trafficking. In Title I, the legislation focuses on combating human trafficking internationally by broadening the U.S. interagency task force charged with monitoring and combating trafficking, and increasing the authority to the State Department Office to Monitor and Combat Trafficking. Because of the difficulty in accurately understanding the full scope of the problem globally, we also include provisions to coordinate our multiple federal databases, and set a reporting requirement to address forced labor and child labor.

Today's reauthorization bill also expands our ability to combat trafficking in the United States. We've provided for certain improvements to the T-visa program, which protects trafficking victims and their families from retaliation, so that we can have their help in bringing traffickers to justice, without the victim fearing harm to themselves or their loved ones. We also expand authority for U.S. Government programs to help those who have been trafficked, and require a study to outline any additional gaps in assistance that may exist. Finally, we establish some powerful new legal tools, including increasing the jurisdiction of the courts, enhancing penalties for trafficking offenses, punishing those who profit from trafficked labor and ensuring restitution of forfeited assets to victims.

Human trafficking is a daunting and critical global issue. I urge my colleagues to support this reauthorization and work with Senator BROWNBACK and me to pass it in the Senate as quickly as possible.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008

SECTION-BY-SECTION DESCRIPTION

Section 1. Short title; table of contents

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Section 101. Interagency task force to monitor and combat trafficking

Section 101 adds the Secretary of Education to the existing interagency task force to monitor and combat trafficking.

Section 102. Office to monitor and combat trafficking

Section 102 provides for several amendments to Section 105(b) of the Trafficking Victims Protection Act (TVPA) related to the State Department's Office to Monitor and Combat Trafficking (the TIP Office) including mandating the office, conferring additional responsibility to the Director to work on public-private partnerships to combat trafficking and providing that the Director of the office have the ability to review and concur in State Department anti-trafficking programs that are not managed by the Office to Monitor and Combat Trafficking (TIP Office).

Section 103. Assistance for victims of trafficking in other countries

Section 103 amends section 107(a) of the TVPA, including ensuring that programs take into account the transnational aspects of trafficking, support increased protection for refugees, internally displaced persons and trafficked children and emphasize cooperative, regional efforts.

Section 104. Increasing effectiveness of anti-trafficking programs

Section 104 creates a new section to the TVPA to increase the effectiveness of anti-trafficking programs by providing that solicitation of grants be made publicly available and awarded by a transparent process with a review panel of Federal and private sector experts, when appropriate. The provision provides a mandated evaluation system for anti-trafficking programs on a program-by-program basis. It requires that priorities and country assessments contained in the most recent annual Report on Human Trafficking shall guide grant priorities. It provides that not more than 5 percent of the appropriations may be used for evaluations of specific programs or for evaluations of emerging problems or trends in the field of human trafficking.

Section 105. Minimum standards for the elimination of trafficking

Section 105 amends section 108(b) of the TVPA by clarifying that in evaluating whether a country's anti-trafficking efforts convictions of principal actors that result in suspended or significantly reduced sentences shall be considered on a case-by-case basis.

Section 106. Actions against governments failing to meet minimum standards

Section 106 amends Section 110 of the TVPA by providing that if a country has been on the special watch list for three consecutive years, such country shall be deemed to be not making significant efforts to combat trafficking and shall be included in the list of countries described in paragraph (1)(C). The subsection includes a Presidential waiver for up to one year if it would promote the purposes of the act or is in the national interest of the United States.

Section 107. Research on domestic and international trafficking in persons

Section 107 amends section 112A of the TVPA by requiring the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center, details the purposes of the database, and authorizes $3 million annually to the Human Smuggling and Trafficking Center to carry out these activities.

Section 108. Presidential award for extraordinary efforts to combat trafficking in persons

Section 108 authorizes the President to establish a ''Paul D. Wellstone Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons'' for persons who provided extraordinary service in efforts to combat trafficking in persons.

Section 109. Report on activities of the department of labor to monitor and combat forced labor and child labor

Section 109 requires that the Secretary of Labor provide a final report that describes the implementation of section 105 of the TVPRA of 2005, including a list of imported goods made with forced and/or child labor.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Section 201. Protecting trafficking victims against retaliation

Subsection (a) of Section 201 amends section 101(1)(15)(T) of the Immigration and Nationality Act (INA) to provide for certain changes to the T visa for trafficking victims. Paragraph (1) allows persons who are brought into the country,for investigations or as witnesses to apply for such a visa. It also allows a T visa for persons who are not able to assist law enforcement because of the physical or psychological trauma; it also clarifies the existing language in the T Visa authorization and eliminates the ''unusual and severe harm'' standard.

Paragraph (2) allows parents and siblings who are in danger of retaliation to join the trafficking victims safely in the United States. Subsection (b) modifies certain requirements of the T Visa contained in section 214(o) of the INA, including allowing 2 the extension of time for a T Visa in exceptional circumstances and providing that the Secretary of Homeland Security may look at certain security and other conditions in the applicant's home country in making the determination that extreme hardship exists.

Subsection (d) provides for certain changes to section 245(1) of the INA relating to adjustment of status of T visa holders, including providing that the Secretary of Homeland Security may waive the restriction on disqualification for good moral character for T visa holders applying for permanent residence alien status if the actions that would have led to the disqualification are caused by or incident to the trafficking.

Section 202. Information for work-based non-immigrants on legal rights and resources

Section 202 requires the Secretary of Homeland Security to create an information pamphlet for work-based non-immigrant visa applications. The pamphlet will detail the illegality of human trafficking and reiterate worker rights and information for related services.

Section 203. Domestic worker protections

Section 203 sets forth new protections for trafficked domestic household workers and preventative measures to be followed by the State Department. Subsection (b) states that

the Secretary of State shall develop an information pamphlet for A–3 and G5 visa applicants and describes the required information to be included in the pamphlets. It mandates that the pamphlets be translated into at least ten languages and mailed to each A–3 or G–5 visa applicant in his/her primary language.

Subsection (c) provides the circumstances in which the Secretary may suspend a visa or renew a visa, as well as when the Secretary is not permitted to issue a visa.

Subsection (d) provides the protections and remedies for A–3 and G–5 visa holders working in the United States.

Subsection (e) ensures protection from removal for visa holders wanting to file a complaint regarding a violation of contract or some Federal, State, or local law to allow time sufficient to participate fully in all legal proceedings.

Subsection (f) requires that every two years the Secretary of State shall submit a report on the implementation of this section and describes the necessary content of the report.

Section 204. Relief for certain victims pending actions on petitions and applications for relief

Section 204 allows the Secretary of Homeland Security to stay the removal of an individual which has made a prima case for approval of a T Visa.

Section 205. Expansion of authority to permit continued presence in the United States

Section 205 expands the authority to permit the Secretary of Homeland Security to permit continued presence of trafficking victims, including if the alien has filed a civil action against the trafficking perpetrators (unless the alien is not showing due diligence in pursuing his civil action). It also allows for parole into the United States of certain relatives of trafficking victims with several limitations.

Section 206. Implementation of trafficking victims protection reauthorization act of 2005

Section 206 amends the Immigration and Nationality act and requires the Secretary of Homeland Security to issue interim regulations on the adjustment of status to permanent residence for T Visa holders.

Subtitle B—Assistance for Trafficking Victims

Section 211. Assistance for certain nonimmigrant status applicants

Section 211 clarifies that T-visa applicants have access to certain public benefits.

Section 212. Interim assistance for child victims of trafficking

Subsection (a) of Section 212 provides that if credible information is presented that a child has been a trafficking victim, the Secretary of HHS may provide interim assistance to the child for up to 90 days. Subsection (a) also provides that any federal official must notify HHS within 48 hours of coming into contact with such child and that State or local officials must notify HHS within 48 hours of coming into contact with such a child. Long term assistance determinations are to be made by the Secretary of HHS, the Attorney General and the Secretary of Department of Homeland Security.

Subsection (b) provides for education on identification of trafficking victims.

Section 213. Ensuring assistance for all victims of trafficking in persons

Subsection (a) of Section 213 amends the TVPA of 2000 to specifically authorize an assistance program for victims of severe forms of trafficking of persons and provides for establishing a system that refers such victims to existing programs at the Department of Health and Human Services and the Department of Justice.

Subsection (b) requires a study on the gaps for assistance to women in prostitution victimized under chapter 117 of title 18.

Subtitle C—Penalties Against Traffickers and Other Crimes

Section 221. Restitution of forfeited assets; enhancement of civil action

Section 221 amends chapter 77 of title 18 by allowing the Attorney General in a prosecution brought under Federal law to grant restoration or remission of property to victims of severe forms of trafficking.

Section 222. Enhancing trafficking offenses

Section 222 amends title 18 of the U.S. Code to enhance existing penalties for trafficking offenses. Subsection (a) permits pretrial detention for trafficking offenders. Subsection (b) ensures that obstruction or attempts to obstruct or in any way interfere with enforcement of the trafficking statutes is a separate offense. Subsection (c) ensures that trafficking conspirators are punished as though they had completed a violation. Subsection (d) amends the trafficking statutes to hold accountable those who knowingly or in reckless disregard financially benefit from participation in a trafficking venture; it also amends the forced labor and sex trafficking statutes to clarify the definition of ''harm'' and ''abuse of the law or legal process.'' Subsection (e) tightens the immigration law to ensure that committing or conspiring to commit trafficking offenses are grounds of inadmissibility and removability. The provision also creates a new crime of sex tourism that punishes individuals who go abroad for sex tourism and sex tour operators that benefit from such promoting such travel.

Section 223. Jurisdiction in certain trafficking offenses

Section 223 amends chapter 77 of title 18 by increasing the jurisdiction of the courts to include any trafficking case found in or brought into the United States, even if the conduct occurred in a different country, as long as no more than ten years have passed.

Subtitle D—Activities of the United States Government

Section 231. Annual report by the Attorney General

Section 231 requires that the annual report by the Attorney General include activities by the Department of Defense to combat trafficking in persons, actions taken to enforce policies relating to contractors and their employees, actions by the Secretary of Homeland Security to waive restrictions on section 307 of the Tariff Act of 1930, and prohibitions on procurement of items or services produced by slave labor.

Section 232. Defense Contract Audit Agency audit

Section 232 requires the Defense Contract Audit Agency to conduct an audit of all Department of Defense contractors and subcontractors where there is substantial evidence to suggest trafficking in persons, notify congress of the findings of each audit, and certify that the contractor is no longer engaging in such activities.

Section 233. Senior policy operating group

Section 233 amends section 206 of the TVPRA of 2005 to ensure that the Senior Policy Operating Group reviews all anti-trafficking programs.

Section 234. Preventing United States travel by traffickers

Section 234 provides that the Secretary of State may prohibit the entry into the United States of traffickers.

Section 235. Enhancing efforts to combat the trafficking of children

Section 235 sets forth comprehensive protections for child victims of trafficking and other unaccompanied alien children, including the following the provisions: (1) Care and Custody of Unaccompanied Children: Care and custody of all unaccompanied alien children shall be the responsibility of Health and Human Services; (2) Transfer of Custody: Consistent with the Homeland Security Act of 2002, requires all departments or agencies of the federal government to notify the Department of Health and Human Services (HHS) within 48 hours. The custody of most unaccompanied alien children encountered by immigration authorities must be transferred to the Secretary of Health and Human Services within 72 hours with special rules for children who have committed crimes or threaten national security; (3) Special Repatriation Procedures and Safeguards for Mexican and Canadian Nationals: Permits the Department of Homeland Security to repatriate promptly certain unaccompanied alien children from Canada or Mexico apprehended provided that those Canadian and Mexican unaccompanied alien children who are victims of severe forms of trafficking or have a fear of persecution; (4) Safe and Secure Placements: An unaccompanied alien child in the custody of HHS shall be placed in the least restrictive setting that is in the best interests of the child. Placement of child trafficking victims may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of support; (5) Standards for Placement: An unaccompanied child may not be placed with a person or entity unless HHS makes a determination that the proposed custodian is capable of providing for the child; (5) Representation: All unaccompanied alien children who are or have been in government custody, must have competent counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking; (6) Special Immigrant Juvenile Status: Revises procedures for obtaining special immigrant juvenile status provided for under the Immigration and Nationality Act.

Section 236. Temporary increase in fee for certain consular services

Section 236 allows the Secretary of State to increase the fee for processing machine readable non-immigrant visas by two dollars. This increase shall be deposited in the Treasury and will terminate two years following the initial increase.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

This title and the sections within it provide authorization of appropriations for various trafficking programs.

TITLE IV—CHILD SOLDIERS PREVENTION AND ACCOUNTABILITY

Section 401. Short title

Section 401 provides that this title may be referred to as the ''Child Soldier Prevention and Accountability Act of 2008''.

Section 402. Definitions

Section 402 provides for various definitions used throughout the Act.

Section 403. Prohibition

Subsection (a) of Section 403 prohibits military assistance, the transfer of excess defense articles, or licenses for direct sales of military equipment to governments that the State Department's annual human rights report indicates have governmental armed forces or government-supported armed forces, including paramilitaries, militias or civil defense forces that recruit or use child soldiers.

Subsection (b) provides that the Secretary of State formally notify any government of such prohibitions.

Subsection (c) provides that the President may waive the restriction in subsection (a) if doing so is in the national interest of the United States. The President must publish each waiver granted, and its justification, within 45 calendar days.

Subsection (d) provides that the President may reinstate assistance which is restricted if the Government has implemented measures to come into compliance with this title and has implemented policies to prohibit and prevent future governmentsupported use of child soldiers.

Subsection (e) provides that notwithstanding the restriction in subsection (a), assistance for international military education and training and nonlethal supplies may be provided for up to two years s/he certifies that the government of that country is taking steps to implement effective measures to demobilize child soldiers and the assistance is provided to directly support professionalization of the military.

Section 404. Reports

Subsection (a) of Section 404 provides that the Secretary of State and U.S. missions abroad thoroughly investigate reports of the use of child soldiers.

Subsection (b) clarifies that the Secretary of State, in the annual Human Rights Report, must include a description of the use of child soldiers, including trends toward improvement or the continued or increased tolerance of such practices and the role of the government in engaging in or tolerating the use of child soldiers.

Subsection (c) requires that the President submit an annual report to the appropriate congressional committees that contains a list of countries in violation of standards under this subtitle, a list of any waivers or exceptions, justification for any such waivers and exceptions, and a description of any assistance provided under this subtitle.

Subsection (d) provides that not less than 180 days after implementation of the Act, the Secretaries of State and Defense shall submit a strategy and a coordination plan for achieving the policy objectives described in this Act.

Section 405. Training for foreign service officers

Section 405 establishes a requirement for training relevant Foreign Service officers in the assessment of child soldier use and other matters related to child soldiers.

Section 406. Effective date; Applicability

Section 406 states that the amendments made under this section shall take effect 180 days after the date of the enactment of this Act.

Sec. 407. Accountability for the recruitment and use of child soldiers

Subsection (a)(1) of Section 407 amends chapter 118 of title 18 by adding the offense of recruiting persons less than 15 years of age into an armed force or knowingly using a person under 15 in hostilities, and provides for terms of imprisonment. This subsection also provides that anyone attempting or conspiring to commit an offense under this section shall be punished in the same manner as someone who completes the offense, establishes the jurisdiction of the code, and provides for definitions used in this section.

Subsection (a)(2) establishes a statute of limitations of 10 years for prosecution under this code.

Subsection (b) makes participation in recruiting or using child soldiers grounds for inadmissibility or deportation under U.S. immigration law.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, this weekend is the unofficial beginning of summer and the start of the summer driving season. This is as oil hits $135 per barrel and more and more cities and towns all over the country are seeing gasoline prices over $4 per gallon. In the face of these challenges to the American economy and consumer, we have failed to take the steps that are necessary to address this problem either in the short term or the long term.

Last week, the House and Senate voted to suspend filling the Strategic Petroleum Reserve. I voted against that effort as many on the other side hailed it as a major move that would help to alleviate ''pain at the pump.'' Instead, oil prices have continued to increase every day since that measure passed. I think this demonstrates that adding a mere 70,000 barrels a day to the marketplace means little when we consume 21 million barrels of oil per day in this country alone.

Oil shale can be a major part of addressing rising oil prices by potentially bringing over 1 trillion barrels of oil to the domestic market. There are enormous oil shale reserves located in Colorado, Wyoming, and Utah. Oil shale is energy we can develop here at home to lower gas prices, increase our Nation's security, and improve our balance of trade by keeping money and investment in the United States rather than sending hundreds of billions of dollars overseas—frequently to governments, I might add, that are unstable or whose interests are counter to those of this country. It will also bring in billions of dollars to the States and the Federal Treasury in the form of future royalties.

This bill is necessary because the fiscal year 2008 Interior, Environment, and Related Agencies bill has language prohibiting funds from being used by the Department of the Interior to prepare final regulations and will set forth the requirements for a commercial leasing program for oil shale resources or to conduct an oil shale lease sale as provided in the Energy Policy Act of 2005. Without removing this moratorium—and it is a moratorium—companies will not know the rules of the road so they can make investment decisions, things such as what the length of the oil shale leases will be, the royalty rate, and reclamation and bonding requirements.

I have a letter from the Assistant Secretary for Lands and Minerals at the Department of the Interior, Stephen Allred, dated May 14 in support of removing the prohibition contained in last year's Interior bill on the Department of the Interior issuing oil shale regulations. I ask unanimous consent at this time to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. WAYNE ALLARD,
Ranking Minority, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: Section 433 of the FY 2008 Interior, Environment and Related Agencies Appropriations Act prohibits our Department from issuing regulations related to oil shale leasing. This letter is to communicate our opposition to this prohibition and to urge its removal, so that the Administration can move forward and issue regulations.

As you know, in Section 369 of the Energy Policy Act of 2005, the Congress directed the Department to take the steps necessary to meet future requests for a commercial oil shale leasing program on Federal lands. In 2007, the Bureau of Land Management authorized six oil shale research, development, and demonstration projects on public lands in northwestern Colorado and northeastern Utah. These projects provide industry access to oil shale resources to further their development of oil shale technologies.

This type of research will require significant private capital, with an uncertain return on this investment in the immediate future. Part of the wisdom of Section 369 is that it envisions the private sector will lead this investment—not the American taxpayer. However, for these projects to be successful, companies will require a level playing field and a clear set of regulations or ''rules of the road.'' Developing a regulatory framework now will aid in facilitating a producing program in the future should oil shale development prove to be economic. Impeding the Federal Government's efforts at this stage could have serious consequences.

Moving forward with these regulations does not mean commercial oil shale production will take place immediately. To the contrary, with thoughtfully developed regulations, thoroughly vetted through a public process, we have only set the groundwork for the future commercial development of this resource in an environmentally sound manner. With the administrative and regulatory certainty that regulations will provide, energy companies will be encouraged to commit the financial resources needed to fund their RD&D projects, and the development of viable technology will continue to advance. Actual commercial development and production will be dependent upon the results of the RD&D efforts and more site-specific environmental evaluations.

Consistent with the language in the Consolidated Appropriations Act for FY 2008, the BLM is not spending FY 2008 funds to develop and publish final oil shale regulations; however, the agency is moving forward in a thoughtful, deliberative manner to publish proposed regulations on oil shale. These proposed regulations will reflect input already received from our partners in the states. The publication of the draft regulations will provide an opportunity for the public and interested parties to remain engaged on this important issue.

Given the Nation's projected future energy needs, it is incumbent on us to promote the development of oil shale for our national security and energy security. Declining domestic oil production and rising U.S. demand for oil increase the Nation's dependence on imports, and leave us vulnerable to rising energy costs. Households across America are struggling to deal with these additional costs and experts predict that the trend is

set to continue. In looking beyond traditional energy resources to unconventional and alternative fuels, the Department of the Interior has a key role to play in the development of oil shale.

I ask for your support for removal of the prohibition on issuing oil shale regulations in order that we may move forward with the public process of finalizing regulations for commercial oil shale development on Federal lands. I commit to working closely with the Congress throughout the development of this program.

A similar letter has been sent to the Honorable Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate, the Honorable Norman D. Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives, and the Honorable Todd Tiahrt, Ranking Minority Member, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives.

Sincerely,

C. STEPHEN ALLRED,
Assistant Secretary,
Land and Minerals Management.

Mr. ALLARD. Mr. President, Allred points out that issuing these regulations is critical to providing regulatory certainty for these oil shale projects to go forward. With the regulatory certainty these regulations will provide, companies will have an incentive to commit the resources necessary to develop this technology.

I also have a letter from Secretary of the Interior Dirk Kempthorne dated December 12, 2007, objecting to the inclusion of this moratorium that was in the House version of the fiscal year 2008 Interior appropriations. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical ''rules of the road'' upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. Mr. President, Secretary Kempthorne also indicates the critical nature of allowing the Department to issue these regulations in order to attract the private investment necessary to develop the oil shale resource.

Let me emphasize that this is not an environmental issue. No commercial lease sales are permitted under the provisions of this bill. In fact, commercial oil shale leases are banned for 2½ years because the technology for oil shale extraction is not yet economically viable on a wide scale. But, as I have said, the companies that invested tens of millions of dollars in this technology already need to have the Department of Interior issue the leasing ground rules so that they know what their costs will be for taking part in the Federal commercial leasing program when the time for leasing comes.

My bill also makes sure there is adequate public comment by requiring that final regulations not be issued for at least 90 days after they have been published in draft form.

When I offered this as an amendment in the Appropriations Committee, it was defeated by one vote and strictly along party lines. I heard from the other side of the aisle that because the Governor of Colorado and the junior Senator from Colorado opposed lifting this moratorium, Congress should not do so. I find this curious and incredibly inconsistent with prior debates over public lands policy. When we have debated drilling in the section 1002 area of ANWR, the other side seems to have little or no regard for the desires of Alaska's Governor, the people of the State of Alaska, or the entire congressional delegation about how they want their public lands managed.

On this side of the aisle—that is, the Republican side of the aisle—we have offered proposals to bring to market billions of barrels of domestic supply that are continually blocked. If we don't begin to put in place policies to enhance our domestic production, prices are only going to go higher and the American people are going to pay the price at the pump as well as suffer the consequences of a further drag on the economy.

In closing, I wish to state that increasing domestic energy production, including from oil shale, will strengthen this country's national security, lower gas prices, keep jobs and investments right here at home, and, in these tight budgetary times, bring in hundreds of billions of dollars to the States and the Federal Treasury through royalty collections.

Congress needs to take a good, hard look at what it has done as far as encouraging further supply of energy for this country. As was mentioned in a number of editorials that have shown up in the papers, it is easy to blame companies and the stock market, and it is easy to blame the futures market, but really the problem starts right here in the Congress. The Congress needs to come up with a solution to relieve the inadequate supply of oil and gas. If that solution is not arrived at soon, Americans are going to be put out of business. We already hear about airlines having to cut back on the number of employees they have because of the high cost of gasoline. So it is going to have a dramatic impact on the economy of this country.

Just think about how much land we have tied up because of previous action by this Congress—the billions of barrels of oil that potentially would be available in ANWR; the huge amount of reserves that we think is in the deep-sea portions that would be available off the coast of this country. We

are the only country in the world that restricts drilling out in the deep sea. There are potential reserves that would be available for consumers of this country with oil shale in Utah and Colorado and Wyoming. Now we have that tied up with a strict moratorium that tells the oil producers of this country: We want you to shut down. We don't want you to be able to move forward.

I think these are huge reserves, and if we had acted, actually, 10 years ago, we wouldn't now have a problem. We are going to have a problem for the next 10 years unless we do something quickly and drastically, and we need to do something more than just saying that the Strategic Oil Reserve can't purchase oil for 6 months or we wait until it drops to less than $75 a barrel.

I am calling on my colleagues to join us because this is a serious problem we are facing in this country, and the Congress needs to do something about it.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am very pleased to rise today to introduce the S Corporation Modernization Act of 2008 with my good friend, Senator ORRIN HATCH. I also want to say a special thanks to our cosponsors, Senators GORDON SMITH of Oregon and BEN CARDIN of Maryland. This legislation makes needed changes to the tax code to help small and family-owned businesses across this Nation. It is my hope that these policy changes will provide them the opportunity to grow their businesses, create jobs and stimulate the economy.

In my home State of Arkansas, as in so many rural States across the country, the vast majority of our businesse are small businesses. They are the local insurance agency, the flower shop, the coffee shop—and they are most often organized as so-called ''S corporations.'' In fact, our country has more than four million S corporations nationwide. These businesses and their employees are truly the engines of our rural economies. We must do all we can to ensure they can continue to compete in a global economy that is becoming steadily more competitive.

Because Congress has not updated many of the rules governing S corporations—such as allowing better access to capital—I am concerned that these privately-held businesses are not in the best position to deal with the current downturn in the economy. We must modify our outdated rules so that these businesses that are starved for capital have the means to expand and create jobs. Current law—particularly the punitive built-in gains tax penalty—not only limits the ability of S corporations to attract new equity investors, but also effectively forces businesses to sit on 'locked-up' capital that they cannot access and put to use to grow their business.

The S Corporation Modernization Act would update and simplify our S corporation tax rules. It increases access to capital, encourages family-owned businesses to stay in the family, eliminates tax traps that penalize unwary but well-meaning business owners, and encourages charitable giving.

A strong economic recovery will depend on the health and strength of our small business sector—our S corporations. It is absolutely imperative that we work to ensure our tax rules that govern this sector are fair, simple and encourage growth. I look forward to working with my colleagues on the Senate Finance Committee to ensure these important changes are made.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues from Wisconsin and Maryland in introducing legislation to reauthorize the Collins-Feingold Dental Health Improvement Act, which was first signed into law as part of the Health Care Safety Net Act Amendments of 2002. The legislation we are introducing today will extend the authorization of this program, which provides grant funding to States to strengthen the dental workforce in our Nation's rural and underserved communities, for an additional 5 years.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 47 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as 11 percent of our Nation's rural population has never been to a dentist.

The situation is exacerbated by the fact that our dental workforce is graying. More than 20 percent of dentists nationwide will retire in the next 10 years, and the number of dental graduates may not be enough to replace their retirees. As a consequence, many states are facing a serious shortage of dentists, particularly in rural areas.

In Maine, there is one general practice dentist for every 2,300 people in the Portland area. The numbers drop off dramatically, however, in other parts of our state. In Aroostook County, for example, where I am from, there is only one dentist for every 5,500 people. Of the 23 dentists practicing in Aroostook County, only a few are taking on any new cases.

The Collins-Feingold Dental Health Improvement Act, which is now Section 340G of the Public Health Service Act, authorized a State grant program administered by the Health Resources and Services Administration at the Department of Health and Human services that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund a wide variety of programs. For example, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. To assist in their recruitment and retention efforts, States can use the funds for placement and support of dental students, residents and advanced dentistry trainees. Or, they can use the grant funds for continuing dental education, through distance-based education and practice support through teledentistry.

Congress appropriated $2 million for this program for fiscal year 2006 and fiscal year 2007 and just under $5 million for fiscal year 2008.

Thirty-six States have applied for grants from this program, but so far, the funding available has only been sufficient to fund programs in 18 States. Clearly there is sufficient interest and need for this program to justify its extension, particularly given all of the recent reports documenting the very serious need to improve access to oral health care.

Those 18 States that have been awarded funding under this program are doing great things to improve access to oral health services. Colorado, Georgia and Massachusetts are using the grant funds for loan forgiveness and repayment programs for dentists who practice in underserved areas and who agree to provide services to patients regardless of their ability to pay. Arkansas, Maine, Michigan, Mississippi and a number of other states are using the funds for recruitment and retention efforts. Delaware, Rhode Island and Vermont, which, like Maine, don't have dental schools, are using the funds to expand dental residency programs in their States.

The legislation we are introducing today will authorize an additional $50 million over the next 5 years for this important program. The American Dental Association, the American Dental Education Association, and the American Academy of Pediatric Dentistry have all endorsed the legislation, and I encourage all of our colleagues to join us as cosponsors.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARNER, Mr. KERRY, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Equity in Prescription Insurance and Contraceptive Coverage Act. I am pleased to be joined by my colleague from Nevada, Majority Leader REID. I originally authored this legislation in 1997, and I stand today to resolve the issue of inequity in prescription drug coverage and to make certain that all American women have access to contraception methods.

Without question, we have made remarkable progress in the number of employer sponsored health plans covering contraception. According to a study released in 2004, between 1993 and 2002, contraceptive coverage in employer-purchased plans covering the full range of reversible contraceptive methods tripled from 28 percent to 86 percent. Conversely, the proportion of employer plans covering no method at all dropped dramatically, from 28 percent to 2 percent. Yet despite these gains, women of reproductive age currently spend 68 percent more in out-of-pocket health care costs than men. Not surprisingly, this discrepancy is due in large part to reproductive health-related costs.

Women whose health plans do not cover the full range of reversible contraceptive methods often face high out-of-pocket costs. Yet covering prescription contraceptives results in cost-savings not only for women, but for society as a whole. There are three million unintended pregnancies every year in the United States, and almost half of these pregnancies result from women who do not use contraceptives. Equal treatment of prescription contraceptives will reduce costs to Americans by preventing these unintended pregnancies, which can range anywhere from $5,000 to almost $9,000 in medical costs.

The Equity in Prescription Insurance and Contraceptive Coverage Act will eliminate the disparate treatment of prescription contraception coverage. Simply put, if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA approved prescription contraceptives. Our bill will ensure that women have comprehensive reproductive health coverage, and lower costs to society by preventing unintended pregnancies and thus reducing the need for abortion.

I urge my colleagues to join with me in fixing the inequity in prescription contraception coverage to make certain that all American women have access to this most basic health need.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

Mr. BARRASSO. Mr. President, today I am introducing legislation to address the reality of the needs of species and the global nature of climate change.

Recently, the U.S. Fish and Wildlife Service decided to list the polar bear as a threatened species. The reason for the listing is the loss of sea ice habitat. They say the ice will be subjected to ''increased temperatures, earlier melt periods, increased rain-snow events, and shifts in atmospheric and marine surface patterns.'' Essentially, they are saying it is due to the effects of global climate change.

Without the cooperation of other countries, the United States cannot reverse global climate change. If we are truly going to recover species—species that are being impacted by climate change—we would need to have an international agreement in place, an international agreement among all of the major emitting countries. All of those countries would have to comply with the treaty in order for species to receive any tangible environmental benefit. This is what people who care about the polar bear need to see happen.

Unfortunately, global warming activists are looking to the U.S. Fish and Wildlife Service and to the Endangered Species Act as a means for widespread regulation. This would be a complete departure from the intent of the law.

The Secretary of Interior, Secretary Kempthorne, has stated that he is providing additional guidance to ensure that there are no negative, unintended consequences to the legislation.

Unfortunately, such guidance will likely not survive judicial challenge or perhaps even the next administration.

For the first time ever, lawsuits could be filed to block economic growth and the creation of jobs all across America.

It has been suggested that any economic activity that emits greenhouse gases which then contributes to global warming and to the melting of the polar icecaps must be stopped. Why? Because it might cause polar bears to become extinct.

Think about that for a minute: Buildings could not be expanded or built; new roads could not be built or improved; local governments would be forced up to adopt onerous new zoning requirements; energy development projects would be brought to a standstill; and virtually any economic development activity one can think of could be challenged by anyone. Volumes of new rules and regulations from Washington, DC, would control everything we do.

This action would harm individual freedom, would raise energy costs, and would affect consumers across the board in all 50 States. This action would dramatically hurt our economy.

Frankly, when I see groups publicly stating that they intend to use the polar bear listing as a hammer to stop fossil fuel use, such as even driving your car to work, I am skeptical about their real concern for the polar bear.

In a recent Baltimore Sun article, the Center for Biological Diversity said:

> Once protection for the polar bear is finalized, federal agencies and other large greenhouse gas emitters will be required by law to ensure that their emissions do not jeopardize the species.

Some want to limit how much we drive or how we heat our homes. Wyoming residents and Americans in general do not believe in such a culture of limits. That is perhaps why activists need to use and choose to use the courts to impose them.

We can provide cleaner cars and be more efficient in heating our homes, but there is a line of individual liberty and personal choice that we should not cross.

Yes, we are all concerned about protecting the environment, and as a Senator, I am also concerned about placing dramatic burdens on our economy and on our American citizens.

Very soon, without legislative action by Congress, the Endangered Species Act will be transformed from a tool to recover species into a climate change bill. This will not only shortchange truly endangered species, it will also impact working families who are already struggling with high energy bills.

The beneficiaries will not be the polar bears. Instead, it will be environmental lawyers who will reap the financial windfall through endless lawsuits.

That is why today I have introduced legislation that says that the Secretary of Interior cannot consider global climate change as a natural or a manmade factor in terms of listing species as endangered. Under this bill, no species would be listed as threatened and endangered because of global warming until an international agreement is signed by all the major emitting nations.

The Administrator of the Environmental Protection Agency would have to certify that such an agreement is in place and that countries are in compliance with the treaty for such a listing to occur. This bill specifies that China and India would both have to be part of the agreement.

This is not designed to give the power of legislating or listing species into the hands of foreign nations. The bottom line is, species will not receive the help they need until other countries comply. Plain and simple. To assert otherwise is to give false hope that those who care most about protecting species actually get protection.

We do not need symbolic gestures in addressing climate change. While the symbolism may appease some, it does not address the very real impact of ordinary folks in my home State of Wyoming or anywhere across the Nation.

We are saddled with high gas prices and high energy prices already.

Lawsuits blocking any new coal-fired powerplants can wreak havoc on Wyoming's economy before we have had a chance to finish developing the clean coal technologies of the 21st century. Clean coal technologies truly will address climate change.

Mr. President, all regions that depend on coal, particularly the Midwest, the South, and the Rocky Mountain West, would be the hardest hit. But we need real solutions to address species issues, while at the same time ensuring that we protect working Americans.

You want to drive your family to the beach or drive them to the mountains? Don't be surprised that in the not too distant future you need to get a government permit to do so.

I urge all Members of this body to consider cosponsoring this important bill.

By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUNE):

S. 3073. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, the right to participate in democratic elections and vote for candidates of your choice is fundamental to the American experience. That right to vote is safeguarded by our men and women in uniform, often at great personal cost to them and their loved ones.

As the Global War on Terror continues, the need for overseas service by our troops is unlikely to let up any time soon. They routinely find themselves deployed to far-away battlefields in the Middle East, on ships at sea all across the globe, or assigned to overseas postings in Korea, Europe, or elsewhere.

What's more, the decisions of elected leaders of the Federal Government impact our troops often in a very direct and personal way. As a result of decisions made by those elected leaders, our troops can be called to deploy to a combat zone at virtually any time.

Statistics on overseas military voting in the 2006 election, compiled by the U.S. Election Assistance Commission, show that there is clearly a problem of disenfranchisement of our troops. It is absolutely despicable that, of our overseas troops who asked for mail-in ballots for 2006, less than half, 47.6, percent of their completed ballots actually arrived at the local election office. Many of those arrived too late, and were therefore not even counted.

To me, that is an appalling failure of our current absentee voting system. We need to take action now, before the problem rears its ugly head again, to safeguard the right of our troops to vote and have their votes count.

I believe Congress has a duty to ensure these men and women in uniform, selflessly serving abroad, have a voice in choosing their elected leaders. They serve not only in the defense of freedom and the American way of life, but also in defense of the very system of government in which I and my Senate colleagues have the honor to serve.

These military service members have already given up so much for this country—often being apart from their families, living in the face of constant danger, and standing on the front lines of our defense. We must not allow one of their most fundamental rights as Americans to fall victim to an antiquated and inefficient system of absentee voting and slow—sometimes painfully slow—methods of delivering their marked ballots.

One of the biggest problems in absentee balloting for our overseas troops has been this inadequate delivery system for completed ballots.

The simple fact is that, for many overseas military voters, their marked ballots arrived at the local election office too late to be counted. There is no excuse for allowing inefficiency to disenfranchise our military men and women serving abroad.

That is why I have decided to introduce the Military Voting Protection Act of 2008, or MVP Act. This bill will improve the absentee voting system for our overseas troops by expediting the delivery of their marked ballots to ensure they are delivered in a timely manner and, at the same time, electronically tracked to provide accountability and allow for verification that completed ballots actually arrived at their local election office.

First and foremost, this bill would expedite the process by directing the Pentagon to make use of express delivery services, which many of us use on a regular basis, to get the completed absentee ballots of our overseas troops to election officials here at home. At the same time, it would require the DOD to take a more active role in organizing the collection, transportation, and tracking of these ballots.

We have at our disposal the tools necessary to more efficiently collect and deliver our troops' ballots to help make their votes count. We simply need to start utilizing more capable and expedited delivery methods to ensure that our troops' voices are heard.

This bill also urges the DOD to make better use of modern technology to improve the ability of our troops to participate in elections. At the same time, the bill recognizes the clear importance of preserving the privacy and integrity of the voting system by calling on DOD to focus its efforts on secure, efficient systems that would also achieve these important goals.

In this day and age, it is inexcusable for our troops to be shut out of the democratic process merely because they are far away from their homes as a result of their military service. We should not sit idly by and watch another election pass with a large portion of our brave military men and women being left out of our democratic process.

For far too long in this country we have failed to adequately safeguard the right of our troops to participate in our democratic process. We have allowed slow delivery methods, confusing absentee voting procedures, and myriad other obstacles to disenfranchise many of our overseas troops. We must put those days behind us.

I urge all of my colleagues to join me in addressing this important issue and protecting for our troops the very rights they fight to safeguard for us. Join me in cosponsoring the MVP Act. I look forward to working with my colleagues to pass this important bill quickly.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 574—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE FROM CUSTODY THE CHILDREN OF REBIYA KADEER AND CANADIAN CITIZEN HUSEYIN CELIL AND SHOULD REFRAIN FROM FURTHER ENGAGING IN ACTS OF CULTURAL, LINGUISTIC, AND RELIGIOUS SUPPRESSION DIRECTED AGAINST THE UYGHUR PEOPLE

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 574

Whereas the protection of the human rights of minority groups is consistent with the actions of a responsible stakeholder in the international community and with the role of a host of a major international event such as the Olympic Games;

Whereas recent actions taken against the Uyghur minority by authorities in the People's Republic of China and, specifically, by local officials in the Xinjiang Uyghur Autonomous Region, have included major violations of human rights and acts of cultural suppression;

Whereas the authorities of the People's Republic of China have manipulated the strategic objectives of the international war on terror to increase their cultural and religious oppression of the Muslim population residing in the Xinjiang Uyghur Autonomous Region;

Whereas an official campaign to encourage Han Chinese migration into the Xinjiang Uyghur Autonomous Region has resulted in the Uyghur population becoming a minority in their traditional homeland and has placed immense pressure on those who are seeking to preserve the linguistic, cultural, and religious traditions of the Uyghur people;

Whereas a new policy now actively recruits young Uyghur women and forcibly transfers

them to work at factories in urban areas in far-off eastern provinces, resulting in tens of thousands of Uyghur women being separated from their families and placed into substandard working conditions thousands of miles from their homes;

Whereas the legal system of the People's Republic of China is used as a tool of repression, including for the imposition of arbitrary detentions and torture commonly employed against any and all Uyghurs who voice discontent with the Government;

Whereas the Government of the People's Republic of China continues to apply charges of ''political crimes'' and the death penalty to Uyghurs and other political dissidents, contrary to international humanitarian standards;

Whereas the People's Republic of China is implementing a monolingual Chinese language education system that undermines the linguistic basis of Uyghur culture by transitioning minority students from education in their mother tongue to education in Chinese, shifting dramatically away from past policies that provided choice for the Uyghur people;

Whereas the Senate has a particular interest in the fate of Uyghur human rights leader Rebiya Kadeer, a Nobel Peace Prize nominee, and her family, as Ms. Kadeer was first arrested in August 1999 while she was en route to meet with a delegation from the Congressional Research Service and was held in prison on spurious charges until her release and exile to the United States in the spring of 2005;

Whereas upon her release, Rebiya Kadeer was warned by her Chinese jailers not to advocate for human rights in Xinjiang and throughout China while in the United States or elsewhere, and was reminded that she had several family members residing in the Xinjiang Uyghur Autonomous Region;

Whereas while residing in the United States, Rebiya Kadeer founded the International Uyghur Human Rights and Democracy Foundation and was elected President of the Uyghur American Association and President of the World Uyghur Congress in Munich, Germany;

Whereas 2 of Rebiya Kadeer's sons were detained and beaten and one of her daughters was placed under house arrest in June 2006;

Whereas President George W. Bush recognized the importance of Rebiya Kadeer's human rights work in a June 5, 2007, speech in Prague, Czech Republic, when he stated: ''Another dissident I will meet here is Rebiyah Kadeer of China, whose sons have been jailed in what we believe is an act of retaliation for her human rights activities. The talent of men and women like Rebiyah is the greatest resource of their nations, far more valuable than the weapons of their army or their oil under the ground.'';

Whereas Kahar Abdureyim, Rebiya Kadeer's eldest son, was fined $12,500 for tax evasion and another son, Alim Abdureyim, was sentenced to 7 years in prison and fined $62,500 for tax evasion in a blatant attempt by local authorities to take control of the Kadeer family's remaining business assets in the People's Republic of China;

Whereas another of Rebiya Kadeer's sons, Ablikim Abdureyim, was beaten by local police to the point of requiring medical attention in June 2006 and has been subjected to continued physical abuse and torture while being held incommunicado in custody since that time;

Whereas Ablikim Abdureyim was also convicted by a kangaroo court on April 17, 2007, for ''instigating and engaging in secessionist'' activities and was sentenced to 9 years of imprisonment, this trial being held in secrecy and Mr. Abdureyim reportedly being denied the right to legal representation;

Whereas 2 days later, on April 19, 2007, another court in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, sentenced Canadian citizen Huseyin Celil to life in prison for ''splittism'' and also for ''being party to a terrorist organization'' after having successfully sought his extradition from Uzbekistan where he was visiting relatives;

Whereas authorities in the People's Republic of China have continued to refuse to recognize Huseyin Celil's Canadian citizenship, although he was naturalized in 2005, denied Canadian diplomats access to the courtroom when Mr. Celil was sentenced, and have refused to grant consular access to Mr. Celil in prison;

Whereas a spokesperson of the Foreign Ministry of the People's Republic of China publicly warned Canada ''not to interfere in China's domestic affairs'' after Huseyin Celil's sentencing;

Whereas Huseyin Celil's case was a major topic of conversation in a recent Beijing meeting between the Foreign Ministers of Canada and the People's Republic of China; and

Whereas there have been recent armed crackdowns throughout the Xinjiang Uyghur Autonomous Region against the Uyghur population: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of the People's Republic of China—

(1) should recognize, and seek to ensure, the linguistic, cultural, and religious rights of the Uyghur people of the Xinjiang Uyghur Autonomous Region;

(2) should immediately release the children of Rebiya Kadeer from both incarceration and house arrest and cease harassment and intimidation of the Kadeer family members;

(3) should immediately release Canadian citizen Huseyin Celil and allow him to rejoin his family in Canada; and

(4) should immediately cease all Government-sponsored violence and crackdowns against the people throughout the Xinjiang Uyghur Autonomous Region, including those involved in peaceful protests and political expression.

Mr. BROWN. Mr. President, the Chinese people have endured an unspeakable tragedy, as we know, with the loss of tens of thousands in a major earthquake. Those numbers continue to grow. On the radio this morning, I heard it looks like more than 50,000 Chinese people have died in one of the greatest tragedies of the last decade. My prayers are with the people of Sichuan Province and all those brave men and women who are there now providing support as volunteers, especially providing support to the Chinese people in Sichuan Province.

I wish to focus on something else in China. This isn't the Chinese people, it is the actions of a few people at the top of the Chinese Government—actions we must confront. When I say ''only a few people at the top,'' the Chinese Government is called the People's Republic of China for a reason. It is a Communist government, a very top-line hierarchical system, where a few people at the top enjoy so much of the benefits and so much of the power and they wield that so unfairly and immorally and, many times, against so many in their country.

For us to ignore the behavior of the Chinese Government, to dismiss that behavior, to minimize that behavior is a reprehensible act on our part.

In a little more than 3 months, the world will witness one of its great quadrennial events—the summer Olympic Games. The games have been billed as a way for the host, China, to reintroduce itself—a new China, if you will—to the international community. And China has pulled out all the stops: $38 billion in infrastructure improvements, including a brandnew 91,000-seat stadium, 300 miles of new roads, and an entirely new terminal at Beijing's International Airport, all because of the Olympic Games.

What China will not be highlighting is its human rights record. That is because it is abysmally disgraceful.

As China rolls out the red carpet to welcome hundreds of thousands of tourists and as Olympic-related media flock to Beijing to watch the events, no one will be allowed to go to Tibet, no one will be allowed to go to the Xinjiang Uyghur Autonomous Region, no one will be allowed to see the hundreds of political prisons, no one will be allowed to visit the areas of China where hundreds of millions live in abject poverty.

Last year, Amnesty International—a no more respected and fairminded group in the world—said of China:

> An increased number of . . . journalists were harassed, detained, and jailed. Thousands of people who pursued their faith outside officially sanctioned churches were subjected to harassment and many to detention and imprisonment. Thousands of people were sentenced to death of executed. Migrants from rural areas were deprived of basic rights.

The Presiding officer, from the State of Rhode Island, has talked passionately about the freedom of the press and journalism in countries where we have the kind of relationship we have with China and how important it is. Others in this body have talked about human rights and labor rights, and now China has violated those values we hold dear and that international organizations that serve all of the world hold so dear.

Beijing will continue to attempt to paint its repressive regime during the Olympics in the best light possible, as we have seen in the last month with the unnerving events in Tibet. The repression in Tibet, a region similar in its treatment by the government as the Xinjiang Uyghur Autonomous Region, is nothing new. For almost 60 years, Tibetans have survived under Beijing repression. Tibet was swallowed up by China in 1950. The Uyghur Autonomous Region was swallowed up by China the year before.

China's policy is straightforward: Declare war on human rights, bring in native Chinese for the best jobs, eradicate the indigenous culture, the language, the spiritual center, disperse the population. It seems to have worked for China's interest every time.

China's policies keep import prices low by allowing inhumane treatment of

workers, slave wages, and unsafe working conditions have become all too common.

China, the Communist regime, has become China, the world's largest one-company town where workers are interchangeable, replaceable parts and where members of the Communist Party are its shareholders.

The United States as purportedly the world leader in human rights—we talk about exporting democracy, we brag about our values, yet out business is with encouragement and incentives—unbelievably enough, sometimes from our own Government—even though we say we are the world leader in human rights. The United States should not be endorsing in any way the brutal and horrific policies of the Chinese Government. Again, the United States, by our actions by the Government and by business do not seem so interested oftentimes in human rights in China in spite of what we say. We should not be sacrificing our moral compass at the altar of the dollar. We do that way too often.

I met with Rabiya Kadeer, the Uyghur dissident leader and head of the Uyghur American Association. She told me of her time in prison for political advocacy on behalf of her people. She spent 6 long years in prison, arrested in 1999 on her way to a meeting with foreign activists and leaders. She told me of her children who either live in fear or live in prison because of her advocacy on behalf of basic freedoms for the 12 or 13 million Uyghur people. She told me of her exile. She is not allowed to return to her native country.

We need the strength to stand up to rather than apologize for China's brutal regime. This has been the systematic policy of a highly efficient and powerful central government.

The Chinese Uyghurs have long fought for more autonomy from Beijing and greater freedom to practice their Muslim religion.

This is not a new policy. We have seen the same in the Zinjiang Uyghur Autonomous Region where ethnic Uyghur people have been systematically relocated and repressed. Their Turkic language is prohibited, their women are placed into forced labor, especially young women taken out of the Autonomous Region to other parts of China, in many cases to be slave labor, forced labor, in other cases to be sex slaves, and their political leaders are jailed. Yet we allow China into the World Health Organization, the World Trade Organization, and made them a preferred trading partner.

Communities across America feel the reverberations of this policy. Not only does it blacken our name as a country when China violates every kind of human rights we care about, but then it affects our country in so many other ways.

We have lost more than 3 million manufacturing jobs across this country since President Bush has been President. Many of these jobs have been eliminated because of government-subsidized imports from China, because of cheating on currency rules, and because of direct off shoring to countries such as China.

China gives their manufacturers that unfair competitive advantage by manipulating its currency and providing massive subsidies to its industry. We know all that. American companies have been complicit by hiring Chinese subcontractors and forcing those subcontractors to continue to cut costs, meaning contaminated vitamins, contaminated pharmaceuticals, and dangerous toxic lead-based paint on toys.

I am submitting a resolution today calling on the Chinese to free the Kadeer children, free the Uyghur political prisoners, and end the political, religious, and ethnic repression in that part of China.

I ask my colleagues to take a look at this resolution, to meet with Ms. Kadeer and to join me in working to bring the atrocities against the Uyghur people to an end. Instead of welcoming China, celebrating China, and trading with China on their terms, as we all talk about the great quadrennial events of the international Olympic Games, we should be helping China's repressed. We should not indulge China its abuses. It dishonors our own values.

SENATE RESOLUTION 575—EXPRESSING THE SUPPORT OF THE SENATE FOR VETERAN ENTREPRENEURS

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, Ms. SNOWE) submitted the following resolution; which was referred to the Commitee on Veterans' Affairs.

S. RES. 575

Whereas the veterans of the United States have been vital to the small business enterprises of the United States;

Whereas the Nation should honor its veterans and in particular those veterans with disabilities incurred or aggravated in the line of duty during active service with the United States Armed Forces;

Whereas Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999 (Public Law 106–50; 113 Stat. 233) to assist veterans interested in starting or expanding small businesses;

Whereas the Veterans Entrepreneurship and Small Business Development Act of 1999 required the President to establish a goal of awarding not less than 3 percent of the total value of all Federal prime contracts and subcontracts to service-disabled veteran-owned small businesses;

Whereas Congress approved the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651) to expand benefits for veterans;

Whereas the Veterans Benefits Act of 2003 gave agency contracting officers the authority to reserve certain procurement contracts for service-disabled veteran-owned small businesses;

Whereas President George W. Bush issued Executive Order 13360 (60 Fed. Reg. 62,549) in 2004, calling on Federal agencies to more effectively implement the legislative changes to the Small Business Act (15 U.S.C. 631 et seq.) included in the Veterans Entrepreneurship and Small Business Development Act of 1999 and the Veterans Benefits Act of 2003;

Whereas, despite those Acts of Congress and the issuance of Executive Order 13360 by the President, service-disabled veteran-owned small businesses still struggle to receive a fair share of Federal contracts; and

Whereas Federal agencies have consistently fallen short of the statutory contracting goal for service-disabled veteran-owned small businesses set by the Veterans Entrepreneurship and Small Business Development Act of 1999: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong support of the United States for its veterans and veteran entrepreneurs; and

(2) calls on Federal agencies to work to improve Federal contracting opportunities for service-disabled veteran-owned small businesses.

Mr. STEVENS. Mr. President, I rise to submit a resolution that is cosponsored by Senator MURKOWSKI, Senator INOUYE, Senator AKAKA, Senator COCHRAN, Senator ISAKSON, Senator CRAIG, and Senator SNOWE.

I am submitting this resolution to honor veteran entrepreneurs and calling on the Federal Government to improve Federal contracting opportunities for service-disabled, veteran-owned small businesses. They call them SDVOSBs.

These veteran entrepreneurs have given so much to our country, and the Federal Government needs to honor them by utilizing their array of valuable skills.

Almost 9 years ago, Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999, which directed the President to establish a goal of awarding at least 3 percent of Federal contracts to service-disabled, veteran-owned small businesses.

In subsequent years, however, the Federal agencies have consistently failed to reach that statutory goal. In the most recent official government-wide report, contract awards for service-disabled, veteran-owned small businesses made up less than 1 percent of all Federal contracts.

As I travel home this weekend to observe Memorial Day, I will have the great honor of being accompanied by U.S. Department of Veterans Affairs Secretary Dr. James Peake, who has accepted my invitation to visit our State.

Dr. Peake, a decorated combat veteran and former Army Surgeon General, is an exceptional American. An important challenge for the VA will be to provide adequate VA health facilities and services to veterans in rural areas.

Dr. Peake's decision to travel from our Nation's Capital to Alaska on this important holiday shows his commitment to all veterans, particularly those who come from rural areas.

SENATE RESOLUTION 576—DESIGNATING AUGUST 2008 AS ''DIGITAL TELEVISION TRANSITION AWARENESS MONTH''

Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VOINOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. BARRASSO, Mr. GRASSLEY, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. INHOFE, Mrs. BOXER, Mr. COLEMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAIG, Mr. SANDERS, Mr. SPECTER, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. AKAKA, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 576

Whereas, starting February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only pursuant to the Digital Television Transmission and Public Safety Act of 2005 (47 U.S.C. 309 note);

Whereas some studies indicate that 64 percent of consumers know about the transition to digital television, and of those consumers 74 percent have major misconceptions about the impact of the transition on their television services;

Whereas many consumers who will be left without any television service after February 17, 2009, may be unaware of both the transition and the Government coupon program created to defray the cost of a converter box;

Whereas markets in the West and in Mid-West have the highest percentage of consumers who rely on over-the-air television signals;

Whereas the Salt Lake City, Utah, area has the single highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas more than 20 percent of homes with television sets in Fresno, California, and Minneapolis, Minnesota, also rely solely on free over-the-air television signals;

Whereas the transition to digital television is significant to vulnerable populations such as senior citizens and low-income and minority households; and

Whereas designating a ''Digital Television Transition Awareness Month'' will help Congress to encourage the development of local action plans focused on strategic outreach to the communities most affected by the transition to digital television, including senior citizens and residents of rural areas: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 2008 as ''Digital Television Transition Awareness Month''—

(A) to increase public awareness regarding the February 17, 2009, transition to digital television; and

(B) to encourage consumers to become educated about participating in the Government coupon program for obtaining converter boxes;

(2) encourages consumers to make the transition to digital television well before February 17, 2009, so that consumers have time to obtain and connect converter boxes; and

(3) encourages local nonprofit organizations, such as religious congregations, scout troops, and school-based community service groups—

(A) to assist households to apply for and obtain Government coupons and converter boxes and to install converter boxes; and

(B) to educate consumers about Internet websites and other sources of valuable information regarding the transition to digital television.

Mr. HATCH. Mr. President, I rise today to introduce with my good friend from Minnesota, Senator AMY KLOBUCHAR, S. Res. 576, which would designate August 2008 as Digital Television Transition Awareness Month.

Pursuant to the Digital Television Transmission and Public Safety Act of 2005, starting on February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only. Concentrating efforts to educate consumers well in advance about both the upcoming transition and their options will ensure as smooth a transition as possible. That is why Senator KLOBUCHAR and I, along with dozens of original cosponsors, have introduced this resolution today.

I believe that the month of August is a perfect time to highlight the ongoing educational efforts about the transition to digital television next year. After all, we want to encourage those who will need to take some action to do so now, rather than wait until the last moment.

Several studies indicate that many consumers who will be left without any television service after February 17, 2009, may be unaware of the transition and the Government coupon program created to defray the cost of converter boxes. While 64 percent of consumers know about the transition to digital television, 74 percent of that group has major misconceptions about the impact of the transition on their television services. The transition to digital television is especially significant to vulnerable populations such as senior citizen, low-income, and minority households.

I note that television markets in the West and Midwest have the highest percentage of consumers who rely on over-the-air television signals. In Utah alone, Salt Lake City has the highest percentage of homes in a major metropolitan area, with almost one in four relying on free analog television signals.

The Federal Communications Commission, FCC, recently adopted a proposal to educate consumers about the impending transition. In addition, there are many sources of information on the transition, coupon program and consumer options available on the Internet. These Web sites are comprehensive and provide links to the Government coupon program site where consumers must register to receive the coupons. However, these sites do not reach certain populations, those most likely to be affected by the transition, as effectively.

Congress can and should do more, not only to educate consumers, but also to foster local outreach programs to assist these consumers as they obtain coupons or choose and install converter boxes. Designating August 2008 as Digital Television Transition Awareness Month, timed specifically to take advantage of the congressional recess, will place particular emphasis on educating consumers well in advance of the transition, and will be an integral part of the overall educational program endorsed by the FCC.

I hope that this resolution will be passed and my colleagues will join me in doing all they can to make the transition from analog to digital television easier for those most affected across our Nation.

SENATE RESOLUTION 577—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. WARNER (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. CHAMBLISS, Ms. SNOWE, Mr. CARPER, Mr. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAKSON, Mr. REID, and Mr. DORGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

SENATE RESOLUTION 578—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 578

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled ''An Act to incorporate the Congressional Club'' (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, ''upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were'';

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

SENATE RESOLUTION 579—DESIGNATING THE WEEK BEGINNING MAY 26, 2008, AS ''NATIONAL HURRICANE PREPAREDNESS WEEK''

Mr. VITTER (for himself, Mr. SHELBY, Mr. MARTINEZ, Ms. LANDRIEU, Mr. SESSIONS, Mr. DEMINT, Mr. BURR, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a family disaster plan, create a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'' will help raise the awareness of the people of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'';

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

SENATE CONCURRENT RESOLUTION 84—HONORING THE MEMORY OF ROBERT MONDAVI

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 84

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas, after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery;

Whereas, in the late 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fumé Blanc;

Whereas, as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or ''Judgment of Paris'', wine competition;

Whereas, in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

SENATE CONCURRENT RESOLUTION 85—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO HONOR FRANK W. BUCKLES, THE LAST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR

Mr. SPECTER (for himself, Mr. BYRD, Mrs. DOLE, Mr. MCCAIN, Mr. WARNER, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BURR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4815. Mr. REID (for Mr. WEBB) submitted an amendment intended to be proposed by Mr. REID to the amendment of the House numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4816. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4817. Mr. REID proposed an amendment to the amendment of the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4818. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

SA 4820. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4815. Mr. REID (for Mr. WEBB) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE ____—VETERANS EDUCATIONAL ASSISTANCE

SEC. ___001. SHORT TITLE.

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

SEC. ___002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. ___003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being

called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post–9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST–9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST–9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST–9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. ___004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. ___005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

SEC. ___006. For an additional amount for Department of Veterans Affairs, ''General Operating Expenses'', $100,000,000, to remain available until expended.

SEC. ___007. For an additional amount for Department of Veterans Affairs, ''Information Technology Systems'', $20,000,000, to remain available until expended.

SEC. ___008. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4816. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'',

$205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation;

and defense working capital funds to accomplish the purpose provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided,* That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further,* That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counter insurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counter insurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counter insurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided,* That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 11312. H–2B NONIMMIGRANTS. (a) SHORT TITLE.—This section may be cited as the ''Save Our Small and Seasonal Businesses Act of 2007''.

(b) EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board,

dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

''1041. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1041''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);''; and

(B) by adding at the end the following new paragraphs:

''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

''(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.''.

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).'';

(B) in section 3263(a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(C) in section 3264(a), by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested'';

(D) section 3265(a)(1) by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested''; and

(E) in section 3266(a), by striking ''under this chapter'' and inserting ''described in section 3261(a)(1) or 3261(a)(2)''.

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking ''section 3261(a)'' and inserting ''section 3261(a)(1) or 3261(a)(2)''.

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term ''Executive agency'' has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SA 4817. Mr. REID proposed an amendment to the amendment of the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain

available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND

APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for

operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the

Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that

Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

''1041. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1041''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);''; and

(B) by adding at the end the following new paragraphs:

''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

''(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.''.

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).'';

(B) in section 3263(a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(C) in section 3264(a), by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested'';

(D) section 3265(a)(1) by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested''; and

(E) in section 3266(a), by striking ''under this chapter'' and inserting ''described in section 3261(a)(1) or 3261(a)(2)''.

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking ''section 3261(a)'' and inserting ''section 3261(a)(1) or 3261(a)(2)''.

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term ''Executive agency'' has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SA 4818. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000,

to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical,

military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until

September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided,* That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further,* That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; as follows:

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 as relating to sections 104, 105, and 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, strike lines 7 through 11.

On page 4, line 12, strike ''**SEC. 105.**'' and insert ''**SEC. 104.**''.

On page 6, line 10, strike ''**SEC. 106.**'' and insert ''**SEC. 105.**''.

On page 6, line 24, strike ''**SEC. 107.**'' and insert ''**SEC. 106.**''.

On page 8, beginning with line 6, strike through the end of the bill.

SA 4820. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; as follows:

On page 19, strike lines 1 through 13 and insert the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

On page 22, line 9, insert ''in accordance with section 202'' after ''infrastructure''.

On page 29, strike line 18 and insert the following: ''(iv) any other legal impediment. ''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 22, 2008, at 10 a.m., to conduct a Nomination Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday May 22, 2008 at 11:30 to conduct a mark up to consider the nomination of Paul Schneider to be Deputy Secretary of the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 22, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Follow Up on the Status of Backlogs at the Department of the Interior.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 22, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Closing the Justice Gap: Providing Civil Legal Assistance to Low-Income Americans'' on Thursday, May 22, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 2:30 p.m., to conduct a hearing entitled, ''Security Clearance Reform: The Way Forward.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, May 22, 2008 from 10:30 a.m.–12:30 p.m., in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Elly Pickett, my press secretary, be given floor privileges for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, if there were someone here from the minority, I would ask consent that on Monday, June 2, 2008, following a period of morning business, the Senate proceed to the consideration of Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act. I have been told that if someone were here, they would object. So I accept that as an objection.

In light of that objection, I now move to proceed to Calendar No. 742, S. 3036, and I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. SANDERS). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act of 2008:

Barbara Boxer, Richard Durbin, Benjamin L. Cardin, Charles E. Schumer, Sheldon Whitehouse, Bill Nelson, Amy Klobuchar, Dianne Feinstein, Joseph Lieberman, Daniel K. Akaka, Christopher J. Dodd, Tom Harkin, Daniel K. Inouye, Max Baucus, Ron Wyden, Robert P. Casey, Jr., Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote occur on Monday, June 2, at 5:30 p.m., that the time between 4:30 and 5:30 be equally divided and controlled between the leaders or their designees, and the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

PROTECTING CHILDREN IN THE 21ST CENTURY ACT

Mr. REID. I ask unanimous consent that we now proceed to Calendar No. 538, S. 1965.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1965) to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation with amendments, as follows:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.]

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Children in the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 101. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public

awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 102 by the Commission during the preceding calendar year.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

For carrying out the public awareness campaign under section 102, there are authorized to be appropriated to the Commission $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including amendments made by this Act with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking ''and'' after the semicolon in clause (i);

(2) by striking ''minors.'' in clause (ii) and inserting ''minors; and''; and

(3) by adding at the end the following:

''(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.''.

SEC. 107. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by striking ''or 1464'' in subparagraph (D) and inserting ''1464, or 2252'';

(3) by inserting ''or'' after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

''(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);''.

SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMENDMENTS.

(a) INCREASE IN FINE FOR FAILURE TO REPORT.—Section 227(b)(4) of the Crime Control Act of 1990 (42 U.S.C. 13032(b)(4)) is amended—

(1) by striking ''$50,000;'' in subparagraph (A) and inserting ''$150,000;''; and

(2) by striking ''$100,000.'' in subparagraph (B) and inserting ''$300,000.''.

(b) INTERNATIONAL INFORMATION SHARING.—Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) by striking ''a law enforcement agency or'' in subsection (b)(1) and inserting ''appropriate Federal, State, or foreign law enforcement agencies'';

(2) by inserting ''Federal, State, or foreign'' after ''designate the'' in subsection (b)(2);

(3) by striking ''law.'' in subsection (b)(3) and inserting ''law, or appropriate officials of foreign law enforcement agencies designated by the Attorney General for the purpose of enforcing State or Federal laws of the United States.'';

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

''(3) CONTENTS OF REPORT.—To the extent this information is reasonably available to an electronic communication service provider or a remote computing service provider, each report under paragraph (1) shall include—

''(A) information relating to the Internet identity of any individual who appears to have violated any section of title 18, United States Code, referenced in paragraph (1), including any relevant user ID or other online identifier, electronic mail addresses, website address, uniform resource locator, or other identifying information;

''(B) information relating to when any apparent child pornography was uploaded, transmitted, reported to, or discovered by the electronic communication service provider or a remote computing service provider, as the case may be, including a date and time stamp and time zone;

''(C) information relating to geographic location of the involved individual or reported content, including the hosting website, uniform resource locator, street address, zip code, area code, telephone number, or Internet Protocol address;

''(D) any image of any apparent child pornography relating to the [incident] *incident, and any images commingled with images of apparent child pornography*, such report is regarding; and

''(E) accurate contact information for the electronic communication service provider or remote computing service provider making the report, including the address, telephone number, facsimile number, electronic mail address of, and individual point of contact for such electronic communication service provider or remote computing service provider.'';

(5) by inserting ''section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773),'' after ''section,'' in subsection (g)(1); and

(6) by adding at the end thereof the following:

''(h) USE OF INFORMATION TO COMBAT CHILD PORNOGRAPHY.—The National Center for Missing and Exploited Children is authorized to provide elements relating to any [image, including the image itself,] *image* or other relevant information reported to its Cyber Tip Line to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images and develop anti-child pornography technologies and related industry best practices. Any electronic communication service provider or remote computing service provider that receives information from the National Center for Missing and Exploited Children under this subsection may use such information only for the purposes described in this subsection.''.

Mr. REID. I ask unanimous consent that the Stevens amendment at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4819) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations and the additional child pornography amendments)

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 as relating to sections 104, 105, and 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, strike lines 7 through 11.

On page 4, line 12, strike ''**SEC. 105.**'' and insert ''**SEC. 104.**''.

On page 6, line 10, strike ''**SEC. 106.**'' and insert ''**SEC. 105.**''.

On page 6, line 24, strike ''**SEC. 107.**'' and insert ''**SEC. 106.**''.

On page 8, beginning with line 6, strike through the end of the bill.

The bill (S. 1965), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Children in the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 101. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 102 by the Commission during the preceding calendar year.

SEC. 104. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including amendments made by this Act with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 105. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking ''and'' after the semicolon in clause (i);

(2) by striking ''minors.'' in clause (ii) and inserting ''minors; and''; and

(3) by adding at the end the following:

''(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.''.

SEC. 106. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by striking ''or 1464'' in subparagraph (D) and inserting ''1464, or 2252'';

(3) by inserting ''or'' after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

''(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);''.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, S. 2062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brakets and the parts of the bill intended to be inserted are shown in italics.)

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

''(i) is owned by an Indian tribe or a tribally designated housing entity;

''(ii) is necessary to the provision of housing in an Indian area; and

''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

''(II) would make housing more affordable, accessible, or practicable in an Indian area; or

''(III) would otherwise advance the purposes of this Act.

''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''For each'' and inserting the following:

''(1) IN GENERAL.—For each'';

(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—

''(A) to carry out affordable housing activities under subtitle A of title II; and''; and

(iii) by adding at the end the following:

''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and

(B) in the second sentence, by striking ''Under'' and inserting the following:

''(2) PROVISION OF AMOUNTS.—Under'';

(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and

(3) by adding at the end the following:

''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:

''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and

(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) 1-YEAR PLAN REQUIREMENT.—

''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

''(A) be in such form as the Secretary may prescribe; and

''(B) contain the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

''(i) the types of household to receive assistance;

''(ii) the types and levels of assistance to be provided;

''(iii) the number of units planned to be produced;

''(iv)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for the demolition or disposition; and

''(III) any other information required by the Secretary with respect to the demolition or disposition;

''(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

''(vi) outcomes anticipated to be achieved by the recipient.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

''(vi) a certification that the recipient will comply with section 104(b).'';

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and

(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary''; and

(2) by adding at the end the following:

''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under title VI,'' after ''paragraphs (2) and (4),'';

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(B) LIMITS.—The Secretary'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and

(B) by striking ''non-Indian family'' and inserting ''family''; and

(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';

(2) in paragraph (2)—

(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and

(B) by inserting ''mold remediation,'' after ''energy efficiency,'';

(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and

(4) by adding at the end the following:

''(9) RESERVE ACCOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

''(c) APPLICABILITY.—[This section] *Paragraph (2) of subsection (a)* applies only to rental and homeownership units that are owned or operated by a recipient.''.

SEC. 205. TREATMENT OF FUNDS.

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by inserting after section 205 (25 U.S.C. 4135) the following:

''SEC. 206. TREATMENT OF FUNDS.

''Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.''.

SEC. 206. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.

SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

''Subtitle A—General Block Grant Program'';

and

(2) by adding at the end the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''SEC. 231. PURPOSE.

''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

''SEC. 232. PROGRAM AUTHORITY.

''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

''(1) *to or* on behalf of which a grant is made under section 101;

''(2) that has complied with the requirements of section 102(b)(6); and

''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

''(2) $2,000,000.

''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

''(1) the program under this subtitle; or

''(2) amounts made available in accordance with this subtitle.

''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

''(1) Section 101(c) (relating to local cooperation agreements).

''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

''(3) Section 101(j) (relating to Federal supply sources).

''(4) Section 101(k) (relating to tribal preference in employment and contracting).

''(5) Section 102(b)(4) (relating to certification of compliance).

''(6) Section 104 (relating to treatment of program income and labor standards).

''(7) Section 105 (relating to environmental review).

''(8) Section 201(b) (relating to eligible families).

''(9) Section 203(c) (relating to insurance coverage).

''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

''(11) Section 206 (relating to treatment of funds).

''(12) Section 209 (relating to noncompliance with affordable housing requirement).

''(13) Section 401 (relating to remedies for noncompliance).

''(14) Section 408 (relating to public availability of information).

''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

''SEC. 235. REVIEW AND REPORT.

''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

''(1) the housing constructed, acquired, or rehabilitated under the program;

''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

''(2) recommendations for—

''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

''(ii) the period for which such a prohibition should remain in effect; or

''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

''Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

''Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''Sec. 231. Purposes.
''Sec. 232. Program authority.
''Sec. 233. Use of amounts for housing activities.
''Sec. 234. Inapplicability of other provisions.
''Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STUDY OF NEED DATA.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.''.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

''SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

''SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

''(a) AUTHORITY.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section such sums as are necessary for each of fiscal years 2008 through 2012.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended to read as follows:

''SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.

''(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term 'Indian organization' means—

''(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

''(2) an organization registered as a nonprofit entity that is—

''(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under section 501(a) of that Code;

''(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

''(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for transfer to an Indian organization selected by the Secretary, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally designated housing entities for each of fiscal years 2008 through 2012.''.

[(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term ''Indian organization'' means—

[(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

[(2) an organization registered as a nonprofit entity that is—

[(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

[(B) exempt from taxation under section 501(a) of that Code;

[(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

[(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Housing and Urban Development, for transfer to an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.]

TITLE VIII—FUNDING

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2008 through 2012''.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2008 through 2012''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2008 through 2012''.

SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesignating the first section 9703 (relating to managerial accountability and flexibility) as section 9703A;

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (I)—

(i) by striking ''payment'' and inserting ''Payment''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (J), by striking ''payment'' the first place it appears and inserting ''Payment''; and

(C) by adding at the end the following:

''(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

''(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is located on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

''(I) did not have knowledge of the existence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

''(II) notified law enforcement not later than 24 hours after discovering the existence of the laboratory.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4820) was agreed to, as follows:

(Purpose: To modify provisions relating to use of treatment of funds, amounts, an allocation formula, and a demonstration program)

On page 19, strike lines 1 through 13 and insert the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

On page 22, line 9, insert ''in accordance with section 202'' after ''infrastructure''.

On page 29, strike line 18 and insert the following:

''(iv) any other legal impediment.

''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

The bill (S. 2062), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

FEDERAL FOOD DONATION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 748, S. 2420.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

(Strike all after the enacting clause and insert in lieu thereof the part printed in italic.)

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Federal Food Donation Act of 2007''.

[SEC. 2. PURPOSE.

[The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) APPARENTLY WHOLESOME FOOD.—The term ''apparently wholesome food'' has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

[(2) EXCESS.—The term ''excess'', when applied to food, means food that—

[(A) is not required to meet the needs of executive agencies; and

[(B) would otherwise be discarded.

[(3) FOOD-INSECURE.—The term ''food-insecure'' means inconsistent access to sufficient, safe, and nutritious food.

[(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that is—

[(A) described in section 501(c) of the Internal Revenue Code of 1986; and

[(B) exempt from tax under section 501(a) of that Code.

[SEC. 4. PROMOTING FEDERAL FOOD DONATION.

[Not later than 180 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) to provide that all contracts above $25,000 for the provision, service, or sale of food, or for the lease or rental of Federal property to a private entity for events at which food is provided, shall include a clause that—

[(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States;

[(2) provides that the head of an executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States; and

[(3) provides that executive agencies and contractors making donations pursuant to this Act are protected from civil or criminal liability under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

[SEC. 5. COORDINATOR OF COMMUNITY FOOD SECURITY AND GLEANING.

[(a) IN GENERAL.—The Secretary of Agriculture shall establish in the Department of Agriculture a Coordinator of Community Food Security and Gleaning.

[(b) DUTIES.—The Coordinator of Community Food Security and Gleaning shall provide technical assistance relating to the activities described in section 4 to—

[(1) agencies of Federal, State, and local government;

[(2) nonprofit organizations;

[(3) agricultural producers; and

[(4) private entities.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Food Donation Act of 2008''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPARENTLY WHOLESOME FOOD.—The term ''apparently wholesome food'' has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

(2) EXCESS.—The term ''excess'', when applied to food, means food that—

(A) is not required to meet the needs of executive agencies; and

(B) would otherwise be discarded.

(3) FOOD-INSECURE.—The term ''food-insecure'' means inconsistent access to sufficient, safe, and nutritious food.

(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that all contracts above $25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and

(2) states the terms and conditions described in subsection (b).

(b) TERMS AND CONDITIONS.—

(1) COSTS.—In any case in which a contractor enters into a contract with an executive agency under which apparently wholesome food is donated to food-insecure people in the United States, the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States under this Act.

(2) LIABILITY.—An executive agency (including an executive agency that enters into a contract with a contractor) and any contractor making donations pursuant to this Act shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

Mr. SCHUMER. Mr. President, I want to thank my colleagues for their support of S. 2420, the Federal Food Donation Act of 2007, which is being passed through the Senate today. I introduced this bill, which will encourage the donation of excess food from Federal agencies and their qontractors to emergency food providers, on December 6, 2007.

In a country as wealthy as ours it is unacceptable that anyone person should go hungry, yet approximately 35.5 million Americans have difficulty affording food. An estimated 732,000 households in my home State of New York live with hunger or the threat of hunger.

Food banks and pantries all across the United States are facing a perfect storm where as the economy suffers and food prices rise, more and more families are relying on their services; yet the pantries are straining to keep their shelves stocked due to the increase in food requests and food costs. According to America's Second Harvest, food banks around the country lare reporting that an estimated 20 percent more people are visiting soup kitchens and food pantries for help this year than last year, and too many people are being turned away. We need to do everything we can to make sure that all families in all communities have enough to eat during these difficult times.

This bill will help make fighting hunger a national priority. In the 1990s, the United States Department of Agriculture created an initiative through which it encouraged the practice of food recovery. During just 1 year of the program, 1998, the Federal Government recovered over 3 million pounds nationwide from cafeterias, farms, research centers, and military bases. For the past decade the Federal Government has strayed away from this important anti-hunger initiative, but this bill would take an important step towards reengaging the Federal Government's involvement in food recovery.

Nonprofits in the business of food rescue serve millions of people, and I would like to thank one such nonprofit, Rock and Wrap it Up!, a national food rescue organization headquartered in New York, for their help in conceiving of and promoting this bill. I commend them for their great work. It is now time for the Federal Government to join the nonprofit and private sectors in doing all it can to feed our Nation's hungry—the need for help is greater now than it has been in a very long time.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2420), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL CHILDHOOD CANCER AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. Res. 563.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 563) designating September 13, 2008, as ''National Childhood Cancer Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 563) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 563

Whereas more than 10,000 children under the age of 15 in the United States are diagnosed with cancer annually;

Whereas every year more than 1,400 children under the age of 15 in the United States lose their lives to cancer;

Whereas childhood cancer is the number one disease killer and the second overall leading cause of death of children in the United States;

Whereas 1 in every 330 children under the age of 20 will develop cancer, and 1 in every 640 adults aged 20 to 39 has a history of cancer;

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That Congress—

(1) designates September 13, 2008, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer; and

(3) recognizes the human toll of cancer and pledges to make its prevention and cure a public health priority.

NATIONAL INTERNET SAFETY MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 746, S. Res. 567.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 567) designating June 2008 as National Internet Safety Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 567) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 567

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 86 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 67 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 30 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 12 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 42 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2008 as ''National Internet Safety Month'';

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 577.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 577) to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I rise today to discuss an issue that hits deep at the heart—and pocketbooks—of Americans nationwide: rising gasoline prices.

Each and every day, Americans contend with a rapid and inexplicable increase in gasoline prices. Over the last month, the average price of gasoline has increased a penny a day.

A barrel of oil is at $133.17.

The impacts of these increases are staggering.

I have heard stories of how individual Americans are coping with the problem of increased gas prices as they conduct their daily lives with their families and in their work environments.

They are finding ways to reduce their consumption of gasoline by driving less, altering daily routines, and even changing family vacation plans.

To me, this example of changing family vacation plans is all the more poignant on the eve of what is usually a busy holiday weekend, a holiday that usually sees many Americans traveling by car out of town.

In fact, travel over this holiday weekend is expected to be down for the first time since September 11, 2001.

The bottom line, Mr. President, is Americans are tightening their belts in ways that bring hardships, but save dollars that are necessary to meet essential family needs. And while small in comparison to the overall problem of supply and demand of gasoline, these efforts do add up. I never dismiss the American ''can do'' spirit.

In one word, it is individual conservation. And in cases such as this, when individuals are leading the way, the government should join.

The purpose of the Sense of the Senate Resolution that I am pleased to offer is to urge the federal government to likewise take initiatives to cut back—even in a small measure—its daily consumption of gasoline and other fuels.

I believe such a move would signal to Americans that their government is sharing the daily hardships occasioned by this turbulent, uncertain energy crisis.

Mr. BINGAMAN. Mr. Presdient, I am pleased to cosponsor Senator WARNER's legislation that calls on the President to reduce the gasoline consumption of the departments and agencies that he oversees.

We are seeing American consumers begin to use less gasoline, as prices reach new historic highs almost daily. Many Americans simply cannot afford to maintain their regular driving habits at the moment. This is a situation that we have not experienced in this country in over 30 years.

It is important that the Federal Government show its solidarity with the American people in this time of economic hardship. Just as individual citizens are finding ways to use less gasoline, the U.S. Government should also be finding ways to reduce consumption.

Because the Executive Branch is by far the largest branch of Government, it is important that the President take the lead on this issue. As the Federal Government spends less money on fuel, we send fewer American taxpayers' hard earned dollars to oil-exporting countries. That is a goal I know we can all agree is laudable under any circumstance, but even more so now, as fuel costs continue to soar.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 577) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

Mr. REID. Mr. President, I wish to express on the record my appreciation to Senators WARNER and BINGAMAN for this most important resolution that just passed. It expresses the sense of the Senate that Americans are contending with rising gasoline prices. Their personal stories reflect the ways in which family budgets are suffering.

The cost of gas is impacting the way Americans cope with problems within the family and, therefore, we need to find ways to reduce consumption of gasoline. This is directed toward the President. I hope he will review this. We have a lot of problems with our economy, many of which are a direct result of the cost of a barrel of oil being $130.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 578.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 578) recognizing the 100th anniversary of the founding of the Congressional Club.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 578) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 578

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled ''An Act to incorporate the Congressional Club'' (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, ''upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were'';

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 579.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 579) designating the week beginning May 26, 2008, as ''National Hurricane Preparedness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 579

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a family disaster plan, create a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'' will help raise the awareness of the people of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as ''National Hurricane Preparedness Week'';

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

AUTHORIZING THE USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 85.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 85) was agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION—Physcial preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 355.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 355) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 355) was agreed to, as follows:

H. CON. RES. 355

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, through Friday, May 30, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDER FOR SIGNING AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. REID. Mr. President, one reason we waited until 20 till 8 tonight to try to complete the work of the Senate is that I had a number of conversations today with my staff trying to work out nominations, and we worked something out. I spoke with the President's Chief of Staff, Josh Bolten. I have always found him to be a very pleasant man to work with.

We arrived at an agreement we would approve, for example, ambassadors to 18 different countries; we would approve a man to be Secretary of Housing and Urban Development. Senator DODD went to a great deal of trouble to clear this nomination. In fact, he held a special meeting to get this nomination done. We were going to agree to a number of people, Republicans in nature: Stephen Krasner for the Institute of Peace; J. Robinson West for the Corporation for National Community Service—I am reading the Republicans because there are so few Democrats it is hardly worth mentioning—Eric Tannenblatt, Corporation for National and Community Service; Layshae Ward; Hyepin Christine Im. We have a number of military officers we agreed to, some 50 in number. In exchange for this, the Democrats were going to get three or four people.

I have always thought, in my dealings around here, when we work something out, that is the agreement. But at the last minute, somebody steps in and says that isn't quite good enough. That is unfortunate because the arrangement was negotiated with staff and Mr. Bolten in good faith.

Everyone should understand that people complain about the White House not having sufficient staff. Why don't you approve some of these nominations? Tonight, we had about 80 we were going to approve—military, ambassadors, a Cabinet Secretary. We got an objection about some inconsequential appointment in comparison to all these, important to the person involved, I am sure. That is not the way we should be doing business.

So here we are going into a recess. These people are not going to have their jobs. There is no fault on behalf of the Democrats. This was all done. So I want the President's Chief of Staff and the President to understand they are missing one Cabinet Secretary that Chairman DODD went through great trouble to approve.

The sad part about this is we rushed through this because we wanted one Democrat approved. It was personally important to one of our Senators. That is the way it is. But let this RECORD reflect there are military commissions that will not be granted and advanced. There will be a Cabinet Secretary not approved, there will be 18 ambassador positions which would not be filled, all because of the Republican minority.

Is it any wonder they have lost three special elections—congressional seats—in heavily Republican districts? Even the Republicans out there are understanding that this is the wrong way to run a country. Seven and a half years of division, not unification.

I am going to do my very best in the next 7 months in my position to do everything I can to work with the White House to try to get things done, but this is an example of what we get—no cooperation, no ability to try to unify us.

ORDERS OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Friday, May 23, for a pro forma session only, with no action or debate; that following the pro forma session, the Senate recess until 9:15 a.m., Tuesday, May 27, for a pro forma session with no intervening action or debate, and that following the pro forma session the Senate recess until 9 a.m., Thursday, May 29, for a pro forma session only, with no intervening action or debate; that following the pro forma session, the Senate adjourn until 2 p.m., Monday, June 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, and that following morning business, the Senate resume the motion to proceed to calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at about 5:30 p.m. on Monday, June 2, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the climate security legislation. Under a previous order, the time from 4:30 until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

I failed to remind everyone that on Tuesday, the week we get back, all Senators should be dressed in their finest. We are going to have our Senate picture taken. So I would hope everyone will remember that and make sure they wear the right clothes for posterity when we have our picture taken. That will be Tuesday. It is scheduled for a time if somebody wears the wrong clothes, we can send them home and have them dress properly.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m., recessed until Friday, May 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

MICHAEL B. BEMIS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013, VICE SKILA HARRIS, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PATRICK J. DURKIN, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2009, VICE NED L. SIEGEL, TERM EXPIRED.

DEPARTMENT OF STATE

DAVID F. GIRARD-DICARLO, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JOHN J. FASO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013, VICE DAVID WESLEY FLEMING, TERM EXPIRED.

JOE MANCHIN III, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2012, VICE GEORGE PERDUE, TERM EXPIRED.

HARVEY M. TETTLEBAUM, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2012, VICE MARC R. PACHECO, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MATTHEW KAZUAKI ASADA, OF NEW JERSEY
TAMMY MCQUILKIN BAKER, OF FLORIDA
JAMES L. BANGERT, OF KANSAS
KEITH B. BEAN, OF NEW JERSEY
PHILIP MARTIN BEEKMAN, OF MICHIGAN
WYLITA L. BELL, OF VIRGINIA
TASHAWNA S. BETHEA, OF NEW JERSEY
MIECZYSLAW PAWEL BODUSZYNSKI, OF CALIFORNIA
RYAN THOMAS CAMPBELL, OF CALIFORNIA
VINCENT MAX CAMPOS, OF CALIFORNIA
JARED S. CAPLAN, OF FLORIDA
JOHN Y. CHOI, OF CALIFORNIA
ROBERT J. DAHLKE, OF ILLINOIS
DANIEL K. DELK, JR., OF GEORGIA
DAVID S. FELDMANN, OF MARYLAND
RODRIGO GARZA, OF TEXAS
DANIEL CHARLES GEDACHT, OF CONNECTICUT
LEON W. GENDIN, OF FLORIDA
TONYA W. GENDIN, OF FLORIDA
SIMONE LYNNETTE GRAVES, OF FLORIDA
STEPHANIE LYNNE HALLETT, OF FLORIDA
THOMAS EDWARD HAMMANG, JR., OF TEXAS
BRIAN BENJAMIN HIMMELSTEIB, OF NEW JERSEY
ARIEL NICOLE HOWARD, OF LOUISIANA
DOUGLAS M. HOYT, OF VIRGINIA
MARGARET HSIANG, OF NEW JERSEY
ANTOINETTE C. HURTADO, OF CALIFORNIA
ANNA SUNSHINE ISON, OF KENTUCKY
DONALD F. KILBURG III, OF TEXAS
HOLLY ANN KIRKING, OF WISCONSIN
JEREMIAH A. KNIGHT, OF CONNECTICUT
TOMIKA L. KONDITI, OF ILLINOIS
RACHNA SACHDEVA KORHONEN, OF NEW JERSEY
MOLLY RUTLEDGE KOSCINA, OF WASHINGTON
ELIZABETH MARIE LAWRENCE, OF ILLINOIS
ANITA LYSSIKATOS, OF VIRGINIA
LOREN G. MEALEY, OF NEW JERSEY
LIOUDMILA MILLMAN, OF VIRGINIA
ANJANA J. MODI, OF PENNSYLVANIA
MOLLY C. MONTGOMERY, OF OREGON
JESSICA N. MUNSON, OF MINNESOTA
REBECCA PIERCE OWEN, OF OREGON
JENNIFER DAVIS PAGUADA, OF GEORGIA
ANGELA P. PAN, OF CALIFORNIA
SETH LEE PROVVEDI PATCH, OF MASSACHUSETTS
JOSHUA WILEY POLACHECK, OF ARIZONA
ANUPAMA PRATTIPATI, OF PENNSYLVANIA
T. CLIFFORD REED, OF TEXAS
KYLE ANDREW RICHARDSON, OF VIRGINIA
SUSAN JEAN RIGGS, OF TEXAS
STETSON SANDERS, OF CALIFORNIA
CAROLINE J. SAVAGE, OF WISCONSIN
VERONICA SCARBOROUGH, OF VIRGINIA
ADDIE B. SCHROEDER, OF KANSAS
DANIEL E. SLUSHER, OF KANSAS
DEBORAH B. SMITH, OF CONNECTICUT
ALYS LOUISE SPENSLEY, OF MINNESOTA
DAVID STEPHENSON, OF TEXAS
MICHAEL STEWART, OF OREGON
NANCY ELIZABETH TALBOT, OF FLORIDA
LAURA TAYLOR-KALE, OF CALIFORNIA
MARK HAMILTON THORNBURG, OF THE DISTRICT OF COLUMBIA
DENNIS DEAN TIDWELL, OF TENNESSEE
MICHAEL J. TRAN, OF KANSAS
TINA C. TRAN, OF OKLAHOMA
IAN A. TURNER, OF MARYLAND
LINNISA JOYA WAHID, OF MARYLAND
SUSAN FISHER WALKE, OF VIRGINIA
TONIA N. WEIK, OF TEXAS
APRIL SHAVONNE WELLS, OF ALABAMA
RUSSELL JAY WESTERGARD, OF VIRGINIA
JESSICA A. WOLF-HUDSON, OF NEW YORK
SUSAN W. WONG, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MATTHEW HILGENDORF, OF NEW HAMPSHIRE

DEPARTMENT OF STATE

CASSANDRA ALLEN, OF ARIZONA
HAYWARD M.G. ALTO, OF CALIFORNIA
ANDREW L. ARMSTRONG, OF FLORIDA
DONALD J. ASQUITH, OF MARYLAND
DEVIN K. AUBRY, OF VIRGINIA
JOSEPH F. BIEDLINGMAIER, JR., OF THE DISTRICT OF COLUMBIA
ALFREDA FRANCES BIKOWSKY, OF VIRGINIA
MARIE BLANCHARD, OF MASSACHUSETTS
SETH G. BLAYLOCK, OF VIRGINIA
MATTHEW A. BOCKNER, OF THE DISTRICT OF COLUMBIA
CHRIS BREDING, OF TEXAS
MATTHEW J. BRITTON, OF CALIFORNIA
CHARLES L. BROWN II, OF TEXAS
CHERIE L. BROWN, OF VIRGINIA
REBECCA ELLEN BYERS, OF MARYLAND
ROBERT CARNEY, OF THE DISTRICT OF COLUMBIA
WILLIAM RUSSELL CAULFIELD III, OF VIRGINIA
MICHAEL A. CICERE, OF VIRGINIA
JACLYN ANNE COLE ADKINS, OF MARYLAND
MELISSA ELMORE COTTON, OF NEW YORK
ANDREW TAYLOR COWDERY, OF VIRGINIA
JUSTIN D. CUNHA, OF MARYLAND
HADI KAMIL DEEB, OF VIRGINIA
YVETTE M. DENNE, OF FLORIDA
JANE M. DITTMAR, OF THE DISTRICT OF COLUMBIA
JACOB DOTY, OF OREGON
JONATHAN EDWARD EARLE, OF VIRGINIA
CHRISTOPHER MICHAEL ELMS, OF NEW YORK
CHRISTOPHER S. ENLOE, OF GEORGIA
RACHEL L. ERICKSON, OF CALIFORNIA
CONCEPCIN ESCOBAR, OF MASSACHUSETTS
JASON E. FARKAS, OF VIRGINIA
RUPERT FINKE, OF VIRGINIA
SEAN PATRICK FITZGERALD, OF VIRGINIA
NIKOLAI FLEXNER, OF THE DISTRICT OF COLUMBIA
TRESIA M. GALE, OF VIRGINIA
DENNIS J. GARCIA, OF VIRGINIA
REBECCA GARDNER, OF OHIO
ROBERT RICHARD GATEHOUSE, JR., OF THE DISTRICT OF COLUMBIA
DAN S. GELMAN, OF VIRGINIA
PAUL ANTHONY GHIOTTO, JR., OF FLORIDA
CATHERINE GIAQUINTA, OF MARYLAND
SHAUN V. GONZALES, OF THE DISTRICT OF COLUMBIA
MICHAEL GORMAN, OF THE DISTRICT OF COLUMBIA
SILJE M. GRIMSTAD, OF VIRGINIA
CATHERINE A. HALLOCK, OF NEW YORK
MEREDITH P. HAMILTON, OF VIRGINIA
DELLA R. HARELAND, OF NEVADA
JEFFREY M. HAY, OF VIRGINIA
MICHAEL LEE HICKS, JR., OF VIRGINIA
ARIN C. HOTZ, OF VIRGINIA
JONATHAN PAUL HOWARD, OF VIRGINIA
GEOFFREY HOWE, OF VIRGINIA
DAVID P. IREY, OF VIRGINIA
ERIC R. JACOBS, OF VIRGINIA
RYAN P. JENNINGS, OF MARYLAND
KIMBERLEE M. JOHNSON, OF VIRGINIA
RICHARD H. JOHNSON, OF VIRGINIA
LAURA M. KACZMAREK, OF VIRGINIA
THOMAS N. KATEN, OF VIRGINIA
SHAMIM KAZEMI, OF MARYLAND
JAY M. KIMMEL, OF KANSAS
KENNON W. KINCAID, OF VIRGINIA
STEVEN C. KISH, OF VIRGINIA
ALLEN L. KRAUSE, OF MICHIGAN
MATTHEW THOMAS LARSON, OF VIRGINIA
LISSETTE LASANTA, OF VIRGINIA
CHON JI RYONG LEE, OF VIRGINIA
IRENE S. LEE, OF THE DISTRICT OF COLUMBIA
LAI M. LEE, OF VIRGINIA
TRACIE K. LESTER, OF VIRGINIA
WALTER S. LUTES, OF VIRGINIA
WINI M. LYONS, OF VIRGINIA
AMY MARIE MALLEY, OF VIRGINIA
THERESA J. MANGIONE, OF FLORIDA
NATALIA MARIC, OF CALIFORNIA
KUNDAI MASHINGAIDZE, OF NEW JERSEY
MELISSA L. MCCARTHY, OF VIRGINIA
MEGAN L. MCCULLOCH, OF THE DISTRICT OF COLUMBIA
JULIE P. MCKAY, OF SOUTH CAROLINA
ROBERT L. MCKINNON, OF VIRGINIA

HERA ANDORA MCLEOD, OF MARYLAND
LORENZO DOW MCWILLIAMS, OF VIRGINIA
JEREMY M. MEARS, OF VIRGINIA
DANIEL LANG MEGES, OF VIRGINIA
ROBERTO MELENDEZ, OF VIRGINIA
DAVID BEAU MELLOR, OF VIRGINIA
CYNTHIA D. MILLER, OF ILLINOIS
BETHANY MILTON, OF NEW YORK
JAY BRYAN MITCHELL, OF VIRGINIA
BROOKE M. MONDERO, OF VIRGINIA
RUSSELL ALLEN MORALES, OF VIRGINIA
KEVIN P. MORAN, OF VIRGINIA
VICTOR M. MUNGEN, OF VIRGINIA
WALKER P. MURRAY, OF WASHINGTON
WILLIAM T. NIMMER, OF GEORGIA
LAREINA L. OCKERMAN, OF VIRGINIA
JUN H. OH, OF VIRGINIA
ANDREW JOSEPH PASTIRIK, OF VIRGINIA
LINDA J. PERCY, OF MICHIGAN
GAIL G. PERLEY, OF VIRGINIA
NEIL PHILLIPS, OF MARYLAND
JAY L. PORTER, OF UTAH
ANGELA JENELLE POZDOL, OF VIRGINIA
JEFFREY T. PUGH, OF VIRGINIA
DAVID P. RAGANO, OF VIRGINIA
MARGARET S. RAMSAY, OF NEW YORK
RYAN M. REID, OF VIRGINIA
ANDREW ETHAN REMSON, OF VIRGINIA
GEORGE RIVAS, JR., OF TEXAS
ANGELA LYNN RUTH, OF VIRGINIA
GABRIEL L. RUTH, OF VIRGINIA
WILBER N. SAENZ, OF VIRGINIA
PRINCESS J. SCHMIDT, OF VIRGINIA
LAUREN SCHOR, OF VIRGINIA
DAVID RYAN SECKINGER, OF PENNSYLVANIA
TRAVIS MARK SEVY, OF UTAH
KATHRYN L. SHAFFNER, OF VIRGINIA
MICHAEL AARON SHULMAN, OF THE DISTRICT OF COLUMBIA
HOWARD A. SIMMONDS, OF VIRGINIA
NICHOLAS ANDREW SLEDER, OF VIRGINIA
ALAN J. SMITH, OF THE DISTRICT OF COLUMBIA
ROBERT E. STACY, OF THE DISTRICT OF COLUMBIA
G. BART STOKES, OF FLORIDA
ELIZABETH E. STROBEL, OF VIRGINIA
TRENT MATTHEW SUKO, OF VIRGINIA
ALEXANDER TATSIS, OF NEW HAMPSHIRE
SCOTT A. THOMAS, OF MARYLAND
HEATHER JOY THOMPSON, OF NEW YORK
JOACHIM VAN BRANDT, OF THE DISTRICT OF COLUMBIA
TAMMY L. VITATOE, OF GEORGIA
JENNIFER HOPE WALKER, OF VIRGINIA
TODD JAMES WATKINS, OF VIRGINIA
CLINT ALLAN WATTS, OF TEXAS
TIMOTHY C. WATTS, OF TEXAS
ROSALYN NUÑEZ WIESE, OF FLORIDA
JOSEPH M. WILLIS, OF VIRGINIA
NELSON HUA-YEE WU, OF VIRGINIA
CORINNA ELIZABETH YBARRA ARNOLD, OF TEXAS
DARYN L. YODER, OF PENNSYLVANIA
MICHAEL JOSEPH YOUNG, OF COLORADO
SAMANTHA G. YURKUS, OF VIRGINIA
ADAM ZERBINOPOULOS, OF TEXAS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

MARK H. PICKETT
JAMES S. VERLAQUE
CHRISTOPHER A. BEAVERSON
DAVID O. NEANDER
MICHAEL S. DEVANY
DONALD W. HAINES
MICHELE A. FINN
HARRIS B. HALVERSON II
BARRY K. CHOY
DOUGLAS D. BAIRD, JR

To be commander

MICHAEL L. HOPKINS
GREGORY G. GLOVER
PHILIP G. HALL
WILLIAM R. ODELL
JOHN T. CASKEY
CECILE R. DANIELS
LAWRENCE T. KREPP
JAMES M. CROCKER
CARL E. NEWMAN
SHEPARD M. SMITH
ALBERT M. GIRIMONTE
TODD A. BRIDGEMAN
EDWARD J. VAN DEN AMEELE
ALEXANDRA R. VON SAUNDER

To be lieutenant commander

WILLIAM P. MOWITT
JONATHAN B. NEUHAUS
NICHOLAS J. TOTH
ANDREW A. HALL
CATHERINE A. MARTIN
MATTHEW J. WINGATE
STEPHANIE A. KOES
DANIEL M. SIMON

To be lieutenant

BRENT J. POUNDS
AMANDA L. GOELLER
BENJAMIN S. SNIFFEN
MARK A. BLANKENSHIP
FIONNA J. MATHESON
JONATHAN E. TAYLOR
ANDREW P. HALBACH

To be lieutenant (junior grade)

JUSTIN T. KEESEE
MATTHEW T. BURTON
CARL G. RHODES
TIMOTHY M. SMITH
JAMES T. FALKNER
CHRISTOPHER S. SKAPIN
JENNIFER L. KING
CHAD M. MECKLEY
CARYN M. ARNOLD
MEGAN A. NADEAU
MARC E. WEEKLEY
PATRICK M. SWEENEY III

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ERROL R. SCHWARTZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. DIRK J. DEBBINK